

# Exhibit I - Deposition of Ofc. James Rothenburg

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 152

## 1 REPORTER'S CERTIFICATE

2 STATE OF NEVADA )  
 ) ss  
 3 COUNTY OF CLARK )

4

5 I, Tracy A. Manning, a duly certified court  
 reporter licensed in and for the State of Nevada, do  
 6 hereby certify:

7 That I reported the taking of the deposition of  
 the witness, James Rothenburg, at the time and place  
 8 aforesaid;

9 That prior to being examined, the witness was  
 by me duly sworn to testify to the truth, the whole  
 10 truth, and nothing but the truth;

11 That I thereafter transcribed my shorthand  
 notes into typewriting and that the typewritten  
 12 transcript of said deposition is a complete, true  
 and accurate record of testimony provided by the  
 13 witness at said time to the best of my ability.

14 I further certify (1) that I am not a relative,  
 employee or independent contractor of counsel of any  
 15 of the parties; nor a relative, employee or  
 independent contractor of the parties involved in  
 16 said action; nor a person financially interested in  
 the action; nor do I have any other relationship  
 17 with any of the parties or with counsel of any of  
 the parties involved in the action that may  
 18 reasonably cause my impartiality to be questioned;  
 and (2) that transcript review pursuant to  
 19 FRCP 30(e) was waived.

20 IN WITNESS WHEREOF, I have hereunto set my hand  
 in the County of Clark, State of Nevada, this 28th  
 21 day of July 2024.

22

23

24

25

*Tracy A Manning*  
 Tracy A. Manning, CCR #85

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3

4 LATIA ALEXANDER, individually as heir)  
5 of ISIAIAH T. WILLIAMS and in her )  
6 capacity as Special Administrator of )  
7 the Estate of ISIAIAH T. WILLIAMS, )

6

Plaintiff,

7

v.

8

9 LAS VEGAS METROPOLITAN POLICE )  
10 DEPARTMENT, a political subdivision )  
11 of the State of Nevada; KERRY KUBLA, )  
12 in his individual capacity; BRICE )  
13 CLEMENTS, in his individual capacity; )  
14 ALEX GONZALES, in his individual )  
15 capacity; RUSSELL BACKMAN, in his )  
16 individual capacity; JAMES )  
17 ROTHENBURG, in his individual )  
18 capacity; JAMES BERTUCCINI, in his )  
19 individual capacity; DOES I-XX, )  
20 inclusive, )

15

Defendants.

16

17 VIDEOTAPED DEPOSITION OF JAMES ROTHENBURG

18

Taken on Wednesday, July 17, 2024

19

At 10:16 a.m.

20

At 400 South Seventh Street

21

Las Vegas, Nevada

22

23

24 Job No. 56850, Firm No. 116F

25

Reported by: Tracy A. Manning, CCR 785

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 For the Plaintiff:</p> <p>4 MURPHY'S LAW, PC</p> <p>5 BY: CORRINE MURPHY, ESQ.</p> <p>6 2620 Regatta Drive</p> <p>7 Suite 102</p> <p>8 Las Vegas, Nevada 89128</p> <p>9 cmurphyslawattorney@gmail.com</p> <p>10 (702) 820-5763</p> <p>11</p> <p>12 For the Defendants:</p> <p>13 MARQUIS AURBACH</p> <p>14 BY: CRAIG R. ANDERSON, ESQ.</p> <p>15 10001 Park Run Drive</p> <p>16 Las Vegas, Nevada 89145</p> <p>17 canderson@macclaw.com</p> <p>18 (702) 382-0711</p> <p>19</p> <p>20 The Videographer: Dawn Beck</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 WEDNESDAY, JULY 17, 2024</p> <p>2</p> <p>3 THE VIDEOGRAPHER: Good morning. This</p> <p>4 begins the video recorded deposition of James</p> <p>5 Rothenburg. Today's date is July 17th, 2024. The</p> <p>6 time on the video monitor is approximately</p> <p>7 10:16 a.m. We are located at 400 South Seventh</p> <p>8 Street in Las Vegas, Nevada.</p> <p>9 This case is entitled Latia Alexander, et</p> <p>10 al. versus Las Vegas Metropolitan Police Department,</p> <p>11 et al. The case number is 2:24-cv-00074-APG-NJK in</p> <p>12 the United States District Court, District of</p> <p>13 Nevada.</p> <p>14 My name is Dawn Beck, legal videographer.</p> <p>15 The court reporter is Tracy Manning. We represent</p> <p>16 Lexitas.</p> <p>17 Would counselors please state your</p> <p>18 appearance for the record and whom you represent?</p> <p>19 MS. MURPHY: Good morning. Corrine</p> <p>20 Murphy, Bar No. 10410 on behalf of plaintiff.</p> <p>21 MR. ANDERSON: Craig Anderson on behalf of</p> <p>22 the defendants.</p> <p>23 THE VIDEOGRAPHER: Thank you.</p> <p>24 Would the court reporter please swear in</p> <p>25 the witness.</p>
<p>3</p> <p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 JAMES ROTHENBURG</p> <p>4</p> <p>5 Examination by Ms. Murphy 5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 E X H I B I T S</p> <p>10 NUMBER PAGE</p> <p>11 1 Notice of videotaped deposition of 6</p> <p>12 James Rothenburg, 3 pages</p> <p>13</p> <p>14 2 Excerpt of Las Vegas Metropolitan 32</p> <p>15 Police Department, Special Weapons and</p> <p>16 Tactics, Bates stamped LVMPD 001490 -</p> <p>17 LVMPD 001491, 2 pages</p> <p>18 3 Excerpt of CIRT report, 1 page 92</p> <p>19 4 Excerpt of CIRT report, Bates stamped 93</p> <p>20 LVMPD 004271, 1 page, marked</p> <p>21 confidential</p> <p>22 5 Excerpt of CIRT report, Bates stamped 96</p> <p>23 LVMPD 004405, 1 page, marked</p> <p>24 confidential</p> <p>25</p>	<p>5</p> <p>1 JAMES ROTHENBURG</p> <p>2 having been duly sworn,</p> <p>3 was examined and testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MS. MURPHY:</p> <p>7 Q. Let the record reflect this is the time</p> <p>8 and the place of the deposition of James Rothenburg</p> <p>9 in the matter of Latia Alexander, et al., versus</p> <p>10 Las Vegas Metropolitan Police, et al.</p> <p>11 Mr. Rothenburg, my name is Corrine Murphy,</p> <p>12 and I'm an attorney. And I -- as I just stated, I</p> <p>13 represent plaintiff Latia Alexander in this case.</p> <p>14 Could you please state and spell your full</p> <p>15 name for the record?</p> <p>16 A. James Rothenburg, J-a-m-e-s</p> <p>17 R-o-t-h-e-n-b-u-r-g.</p> <p>18 Q. Do you have a middle name?</p> <p>19 A. I do. Ernest, E-r-n-e-s-t.</p> <p>20 Q. Okay. Have you ever been known by any</p> <p>21 other names?</p> <p>22 A. No.</p> <p>23 Q. Okay. And we have noticed you to be here</p> <p>24 today. Have you -- did you ever have an opportunity</p> <p>25 to review the notice of deposition that was served</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>1 on you?</p> <p>2 A. I have.</p> <p>3 Q. Okay.</p> <p>4 And can we attach that? I don't have one</p> <p>5 with me, but can we attach that as Exhibit 1 to</p> <p>6 today's deposition transcript?</p> <p>7 THE REPORTER: Yes.</p> <p>8 MS. MURPHY: I'll provide that later.</p> <p>9 (Exhibit No. 1 was marked at a later time.)</p> <p>10 BY MS. MURPHY:</p> <p>11 Q. And that you are -- you understand that we</p> <p>12 are here today to discuss the officer-involved</p> <p>13 shooting of Isaiah Williams that occurred on</p> <p>14 January 10, 2022?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever given a deposition before?</p> <p>17 A. Yes.</p> <p>18 Q. When -- when are the other instances</p> <p>19 you've given a deposition?</p> <p>20 A. Various court cases throughout my career.</p> <p>21 Q. In the last five years have you given a</p> <p>22 deposition?</p> <p>23 A. Five years, no.</p> <p>24 Q. Okay. So when was the last time that you</p> <p>25 remember giving a deposition?</p>	<p>6</p> <p>1 give your best and most truthful testimony?</p> <p>2 A. No.</p> <p>3 Q. Okay. Are you -- and I'm going to</p> <p>4 follow -- are you under any medications or anything</p> <p>5 that would inhibit your ability to give honest and</p> <p>6 reliable testimony today?</p> <p>7 A. No.</p> <p>8 Q. Can you please tell me everything that you</p> <p>9 did to prepare for today's deposition?</p> <p>10 A. I reviewed some of the files that was</p> <p>11 given to me, talked to my legal counsel. We</p> <p>12 reviewed some body-worn camera video from the</p> <p>13 incident. Briefly reviewed the transcripts from</p> <p>14 previous interviews I had given.</p> <p>15 Q. Okay. And I don't want to know what you</p> <p>16 talked about with Mr. Anderson. That's</p> <p>17 attorney-client privilege. But I just want -- but</p> <p>18 what I am entitled to know and what I do want to</p> <p>19 know is just a specific rundown of which documents</p> <p>20 you looked at.</p> <p>21 So, there was a couple different</p> <p>22 interviews that you provided. Did you look at both</p> <p>23 the FIT interview and the CIRT interview?</p> <p>24 A. Yes.</p> <p>25 MS. MURPHY: And that's F-I-T, it's an</p>
<p>7</p> <p>1 A. 2015, I believe.</p> <p>2 Q. Okay. And what was your involvement in</p> <p>3 that case?</p> <p>4 A. I was arresting officer.</p> <p>5 Q. And so were you named as a defendant?</p> <p>6 Were you a party in the case or were you simply the</p> <p>7 arresting officer?</p> <p>8 A. No, just the arresting officer.</p> <p>9 Q. Okay. And do you remember what that case</p> <p>10 name was?</p> <p>11 A. I don't recall.</p> <p>12 Q. So would it be fair to qualify you as a</p> <p>13 witness in that case?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. All right. And other than that</p> <p>16 case, in the last -- well, that was almost nine</p> <p>17 years ago, are there -- in the last ten years, have</p> <p>18 there been any other cases where you were called</p> <p>19 providing your deposition?</p> <p>20 A. No.</p> <p>21 Q. Have you testified in the last ten years?</p> <p>22 Have you testified in court?</p> <p>23 A. Ten years. I do not believe so.</p> <p>24 Q. Okay. Is there any reason today that you</p> <p>25 would not be able to understand my questions and</p>	<p>8</p> <p>1 acronym, and it's C-I-R-T.</p> <p>2 Q. You reviewed both those transcripts?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. In reviewing those transcripts, as</p> <p>5 we sit here today, was there anything that when you</p> <p>6 reviewed them did not recollect with -- did not</p> <p>7 coincide with your memory as you sat -- as when</p> <p>8 you -- sorry, strike that. Let me ask it again.</p> <p>9 As you reviewed those transcripts recently</p> <p>10 of your interviews for CIRT and for FIT, was there</p> <p>11 anything that you did not remember or you were</p> <p>12 surprised as you read it?</p> <p>13 A. No.</p> <p>14 Q. So the -- is it fair for me to assume that</p> <p>15 the transcripts you read were consistent with your</p> <p>16 memory as we sit here today?</p> <p>17 A. Yes.</p> <p>18 Q. Other than the body-worn camera, the FIT</p> <p>19 interview, and the CIRT interview, were there any</p> <p>20 other documents that you reviewed in preparation for</p> <p>21 today's deposition?</p> <p>22 A. Yeah. Las Vegas Metropolitan Police</p> <p>23 Department policy on search warrants.</p> <p>24 Q. And when you say "policy on search</p> <p>25 warrants," do you mean the policy on search warrants</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>10</p> <p>1 or do you mean the policy on, like, CET entry or</p> <p>2 knock and announce or was it just the policy on</p> <p>3 search warrants?</p> <p>4 A. The policy on search warrants, which</p> <p>5 encompasses some of that information.</p> <p>6 Q. Okay. Any other documents?</p> <p>7 A. And then a -- an older copy, because I</p> <p>8 don't have a current one, of the SWAT section</p> <p>9 manual, I believe it was from 2019, that outlines</p> <p>10 search warrant services.</p> <p>11 Q. Okay. And do you understand that part of</p> <p>12 our case, part of plaintiff's case in this matter,</p> <p>13 is that this search warrant was improperly served?</p> <p>14 A. I'm aware.</p> <p>15 Q. Okay. What's your position on that?</p> <p>16 A. I mean, it depends on what's being argued</p> <p>17 for the service exactly, specifically.</p> <p>18 Q. Do you think that the manner in which the</p> <p>19 search warrant was served was in compliance with the</p> <p>20 laws as it was in 2022?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you bring any documents --</p> <p>23 sorry. Were there any other documents that you</p> <p>24 reviewed?</p> <p>25 A. No.</p>	<p>12</p> <p>1 your supervisor, then.</p> <p>2 A. Yes, that I had a deposition, yeah.</p> <p>3 Q. Okay. We have taken the deposition of a</p> <p>4 couple other SWAT officers. Have you discussed</p> <p>5 their deposition with them at all?</p> <p>6 A. No.</p> <p>7 Q. Okay. Do you still work with -- we</p> <p>8 have -- I've depose Alex -- Alex Gonzales, and then</p> <p>9 my co-counsel depose Officer Bertuccini. Have</p> <p>10 you -- did you discuss their depositions with them</p> <p>11 at all?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you bring any of the documents</p> <p>14 that you reviewed with you today?</p> <p>15 A. No.</p> <p>16 Q. Okay. Did you review any of the -- the</p> <p>17 statements of any of the other police officers in</p> <p>18 this case?</p> <p>19 A. No.</p> <p>20 Q. I'm going to go down -- do you remember</p> <p>21 answering interrogatories and Requests For</p> <p>22 Productions?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Did you review those documents at</p> <p>25 all to prepare for today's deposition?</p>
<p>11</p> <p>1 Q. Okay. And like I said, I'm not entitled</p> <p>2 and I don't want to know what you spoke about with</p> <p>3 your lawyer, but I am entitled to know, and I do</p> <p>4 want to know how long you met with Mr. Anderson for.</p> <p>5 He can't answer for you.</p> <p>6 A. Hour?</p> <p>7 Q. An hour? Okay.</p> <p>8 A. Probably -- no, probably two.</p> <p>9 Q. Okay. He -- Mr. Anderson, not that he's</p> <p>10 trying to be evasive or non- --</p> <p>11 A. No, I know, I know. I've got to answer,</p> <p>12 yeah.</p> <p>13 Q. It's -- although this is an informal</p> <p>14 setting to a certain degree, it's still like --</p> <p>15 A. It's still -- yeah.</p> <p>16 Q. It's like you're up on the witness stand</p> <p>17 and you've got to answer the questions.</p> <p>18 All right. Did you discuss -- other than</p> <p>19 Mr. Anderson or anyone from his office, did you</p> <p>20 discuss today's deposition with anyone else?</p> <p>21 A. No.</p> <p>22 Q. Okay. Does your supervisor know that</p> <p>23 you're here today?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So you obviously discussed it with</p>	<p>13</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And so, I know it's hard to keep</p> <p>3 track, but I'm going to ask one more time. You can</p> <p>4 take a moment to think about it.</p> <p>5 Were there any other documents that you</p> <p>6 may have -- that you -- that you reviewed to prepare</p> <p>7 for today's deposition?</p> <p>8 A. No.</p> <p>9 Q. Okay. In having reviewed both the answers</p> <p>10 to the interrogatories -- your answers to the</p> <p>11 interrogatories and your answers to the Request For</p> <p>12 Production, as we sit here today, is there anything</p> <p>13 that you wanted to change or modify in those</p> <p>14 answers?</p> <p>15 A. No.</p> <p>16 Q. Okay. So, now I'm going to go over some</p> <p>17 background questions --</p> <p>18 A. Okay.</p> <p>19 Q. -- that kind of were in your</p> <p>20 interrogatories. But I want to -- I'm creating the</p> <p>21 record, so I'm going to march over some familiar</p> <p>22 ground on that, okay?</p> <p>23 A. Okay.</p> <p>24 Q. Where are you from?</p> <p>25 A. I'd call New York home, upstate New York.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>14</p> <p>1 Q. How long ago did you move to Nevada?</p> <p>2 A. 16 -- 16 and a half years ago.</p> <p>3 Q. Okay. And you're currently living here in</p> <p>4 Nevada; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And do you have any intention of moving?</p> <p>7 A. No.</p> <p>8 Q. Okay. Were you -- if you moved here 16</p> <p>9 years ago, where did you go to high school?</p> <p>10 A. In New York.</p> <p>11 Q. Okay. And you have -- you have -- you</p> <p>12 have advanced educational -- you got -- sorry,</p> <p>13 strike that.</p> <p>14 You have education beyond high school,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Can you please lay out for me your</p> <p>18 educational background beyond high school?</p> <p>19 A. I have a Bachelor's degree in business</p> <p>20 management, and then I have a Master's degree in</p> <p>21 administrative leadership.</p> <p>22 Q. And what is administrative leadership?</p> <p>23 A. It just covers varying leadership</p> <p>24 philosophies in administrative setting, government</p> <p>25 setting.</p>	<p>16</p> <p>1 deposited in this court, he was -- he previously was</p> <p>2 part of the explosives breach team. So he had some</p> <p>3 certifications about explosive handling.</p> <p>4 A. Oh, yes. Yeah.</p> <p>5 Q. Okay.</p> <p>6 A. Yeah.</p> <p>7 Q. Do you have any, like, specialized</p> <p>8 certifications like those? Beyond just, like --</p> <p>9 like I said, I've seen that you've done a lot of</p> <p>10 continuing education --</p> <p>11 A. Yeah.</p> <p>12 Q. -- but any, like, specific certifications?</p> <p>13 A. Yeah. As far as explosive -- explosive</p> <p>14 breach and stuff goes, yes, quite --</p> <p>15 Q. Okay.</p> <p>16 A. -- quite a few.</p> <p>17 Q. Okay. Is it fair to say that you're</p> <p>18 comfortable doing explosive breaches?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Are you a member of any</p> <p>21 professional organizations related to your</p> <p>22 profession?</p> <p>23 A. (Indiscernible.)</p> <p>24 THE REPORTER: Pardon me?</p> <p>25 THE WITNESS: Fraternal Order of Police,</p>
<p>15</p> <p>1 Q. And where did you obtain that Master's</p> <p>2 from?</p> <p>3 A. University of Oklahoma.</p> <p>4 Q. Okay. Did you actually attend there or</p> <p>5 did you do it remotely?</p> <p>6 A. Remote.</p> <p>7 Q. Okay. And when did you obtain your</p> <p>8 Master's?</p> <p>9 A. 2017, I believe. August of 2017, I</p> <p>10 believe I finished.</p> <p>11 Q. Okay. And are you -- do you have any</p> <p>12 other -- other than those two degrees, do you have</p> <p>13 any other type of, like, certifications? And let</p> <p>14 me -- let me clarify that, because I have</p> <p>15 reviewed -- you've taken, like, ten million courses</p> <p>16 through SWAT and LVMPD. So I don't mean maybe,</p> <p>17 like, you know, I'm not asking if you're, like,</p> <p>18 certified in first aid. I'm asking if you have any,</p> <p>19 like, specific certifications for anything that</p> <p>20 would allow you to do your job that is beyond, like,</p> <p>21 a couple-week course. Do you know what -- do you</p> <p>22 want me to give you an example?</p> <p>23 A. Sure. Give me an example.</p> <p>24 Q. Okay. So, like, some of the -- some of</p> <p>25 the other -- another officer that I -- that I</p>	<p>17</p> <p>1 FOP.</p> <p>2 BY MS. MURPHY:</p> <p>3 Q. Is that like a union membership or --</p> <p>4 A. Association, yes. More or less.</p> <p>5 Q. And can you please tell me what is your</p> <p>6 current -- current position?</p> <p>7 A. Police sergeant.</p> <p>8 Q. Are you still on SWAT?</p> <p>9 A. No.</p> <p>10 Q. Okay. When did you leave SWAT?</p> <p>11 A. I left in May of '23, last year.</p> <p>12 Q. And why did you leave?</p> <p>13 A. I was promoted to sergeant.</p> <p>14 Q. And what unit are you currently serving</p> <p>15 in?</p> <p>16 A. Internal Affairs Bureau.</p> <p>17 Q. Okay. And prior to your promotion to</p> <p>18 sergeant and your transfer to Internal Affairs, how</p> <p>19 long had you been with SWAT?</p> <p>20 A. Previous to that, just under eight years.</p> <p>21 Would have been seven years and eight months.</p> <p>22 Q. That is a very specific answer.</p> <p>23 A. Nine months? Nine months? Yeah. I just</p> <p>24 remember it was end of September in 2015. So, yeah.</p> <p>25 May '23.</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

18

1 Q. And what -- and I know that there's, like,  
2 some different team colors and different positions.  
3 You know, I'm a layperson. So can you kind of walk  
4 me through, like, what your team -- as best as you  
5 can to a layperson, what kind of team you were on  
6 and kind of what your day-to-day looked like being a  
7 member of the SWAT team in 2022.  
8 A. There's just -- there's -- there was two  
9 teams, red and blue. But the colors have changed a  
10 couple times over the years, just depending on the  
11 leadership in place. So, typically it's been red  
12 team, and those are just associated with the days  
13 off. So, the other team is blue. So I'd primarily  
14 been on red team the entire time. I think  
15 previous -- or after red team, initially it was gold  
16 team and then it went back to red.  
17 Q. So the color classifications have to do  
18 with your days on and day off --  
19 A. Correct.  
20 Q. Not, like, duties within SWAT.  
21 A. Correct, yeah.  
22 Q. Okay. Did you have -- were you -- would  
23 it be qualified as you're a SWAT officer or is there  
24 any subspecialty within SWAT?  
25 A. Yeah. So, SWAT officer, and then one of

19

1 the explosive breachers or breachers. Yeah.  
2 Q. And were you an explosive breacher for the  
3 entire seven years and nine months you were on SWAT?  
4 Or had you gained that specialty, like, kind of  
5 sub-position as you were going through?  
6 A. Yeah, I gained it after about two years  
7 there.  
8 Q. Okay. So, would it be fair for me to --  
9 for me to assume that for about five years and nine  
10 months you had that kind of subspecialty?  
11 A. Yes.  
12 Q. Okay.  
13 A. Yeah.  
14 Q. And on January 10, 2022, the day of the  
15 officer-involved shooting, you also had that  
16 subspecialty, correct?  
17 A. Correct.  
18 Q. Okay. And prior to being on SWAT, what  
19 position did you hold at Las Vegas Metropolitan  
20 Police Department?  
21 A. I was a Field Training Officer and then  
22 patrol officer.  
23 Q. What's a Field Training Officer?  
24 A. Field Training Officer basically is you're  
25 teaching new officers how to be a police officer,

20

1 more or less. Handle the day-to-day, out in the  
2 street, kind of on-the-job training, more or less.  
3 Q. And so -- Field Training Officer, so does  
4 that mean that you would be, like, on patrol and  
5 then you would bring training police officers with  
6 you?  
7 A. Correct.  
8 Q. Okay. And then you went to being a patrol  
9 officer; is that correct?  
10 A. Patrol officer first, then Field Training  
11 Officer.  
12 Q. Okay.  
13 A. Yeah.  
14 Q. Oh, sorry. All right. How long were you  
15 a patrol officer for? And by the way --  
16 A. About six years.  
17 Q. I was going to say, you're doing an  
18 excellent job giving me very specific answers. But  
19 you can also give me rough estimates to the best of  
20 your memory. Okay.  
21 So six years. And how long have you been  
22 with LVMPD total?  
23 A. In about three weeks it will be 16 years.  
24 Two weeks it will be 16 years.  
25 Q. Okay. And you were patrol for six years,

21

1 and then how long, approximately, were you a Field  
2 Training Officer?  
3 A. About a year and a half.  
4 Q. Okay. And from there were you promoted to  
5 SWAT?  
6 A. Yes.  
7 Q. And when I say promoted, that's a fair  
8 assumption for me to assume, correct? That's a  
9 promotion to get on SWAT?  
10 A. It's a testable position, so, yeah.  
11 Q. Okay. What did you have to do in order to  
12 test to get on to SWAT?  
13 A. At the time, it involved shooting test, so  
14 shooting qualification test, (indiscernible) test,  
15 confined --  
16 THE REPORTER: Wait. It sounded like pie?  
17 BY MS. MURPHY:  
18 Q. Did you say height test?  
19 A. Yeah. Height test. Like, going to the  
20 top of a tower and looking over kind of thing, yeah.  
21 Q. I was, like, do you have to be a certain  
22 height to be on SWAT?  
23 A. Repelling, stuff like that. Yeah,  
24 regarding that. So there's a height test, which I  
25 know they've since removed. They actually did a



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">22</p> <p>1 balance test, confined space test. There was a  2 physical fitness test, an obstacle course. There  3 was also an assessment center, which was scenario  4 based. And then the final part was a panel  5 interview. Or oral board.  6 Q. Did you have to take any, like, written  7 tests?  8 A. No.  9 Q. Okay. So is it fair to say that it was --  10 well, you tell me. Is it mostly, like, it's --  11 based on what you described, it seems like they want  12 to make sure that you have a certain level of  13 physicality, for lack of a better term, and ability  14 to act within the field; is that fair?  15 A. Correct.  16 Q. Okay. Is it competitive to get on SWAT?  17 A. Very.  18 Q. Okay. So with that in mind, I would like  19 you to tell me what -- and if it's different today  20 than it was in 2022, I want you to tell me what your  21 understanding was in 2022. If it differs from  22 today, then I'll ask you what it was today -- what  23 it is today. Can you please tell me what knock and  24 announce means to you?  25 A. So, knock and announce, the way that I</p>	<p style="text-align: right;">24</p> <p>1 reasonable meant to you -- or means to you?  2 A. I guess reasonable, what's commonly  3 accepted, what everybody would think is commonly  4 accepted. You know, a reasonable time to act on  5 something. If something -- something was occurring.  6 Q. Okay. And so -- and I know that these  7 questions are a little all encompassing.  8 A. No problem.  9 Q. And so I'm kind of trying to drill down a  10 little bit --  11 A. Okay.  12 Q. -- and I'd like your help with that.  13 So when you say reasonable amount of time,  14 were you ever given, like, a minimum amount of time  15 that you had to wait? Were you ever --  16 A. No.  17 Q. Okay. And so, is it fair for me to  18 assume -- was there any -- did you ever get any  19 training on, like, hey, depending on what you're  20 going after or who you're going after, the  21 reasonable scope of time may be different?  22 A. Yes.  23 Q. Okay. And so can you kind of walk me  24 through what your understanding of that was?  25 A. I mean, it would depend -- again, it's --</p>
<p style="text-align: right;">23</p> <p>1 interpret it, is knocking, physically knocking.  2 Whether that be -- well, knocking, you know, using a  3 PA system, you know, alerting somebody of your  4 presence, right? So knocking and then announcing --  5 also announcing your presence.  6 Q. Okay.  7 A. So, hey, we're here. It's the police.  8 That type of thing.  9 Q. And as we sit here today, do you have any  10 understanding of any parameters for how often or how  11 long you have to announce your presence?  12 A. Says a reasonable time, but that's  13 debatable what that time frame is, I believe. Given  14 the circumstance.  15 Q. Okay. And I just want to make sure.  16 Because we're a couple years from the incident. If  17 you say reasonable time, is that your same  18 understanding of -- in 2022?  19 A. Yes.  20 Q. Okay. Did you ever have any specific  21 training through either LVMPD or SWAT that there --  22 that there had to be certain timelines that were  23 met, or was it just a reasonable amount of time?  24 A. Just reasonable.  25 Q. And can you please explain to me what</p>	<p style="text-align: right;">25</p> <p>1 I think it's all scenario dependent, scenario based,  2 given what it is. Is -- you know, is there a, you  3 know -- what is the threat or what is happening, you  4 know? Is there -- do we need to move faster or do  5 we need to move slower based off the circumstance.  6 Q. Okay. And I'm going to walk you through  7 the entire incident. We're going to watch the  8 video, too. But I know that you have reviewed all  9 these different documents and the video in order to  10 prepare for today's deposition.  11 Having reviewed all those different pieces  12 of evidence, do you think that there was a  13 reasonable amount of time between the first knock  14 and when the door was breached in this case?  15 A. Yes.  16 Q. Okay. And was the amount of time  17 consistent with the training that you had been given  18 through LVMPD and SWAT?  19 A. Yes.  20 Q. And I just want to confirm one more time.  21 To your knowledge, you were never provided any  22 training that there had -- there was a minimum  23 amount of time that you had to wait; is that  24 correct?  25 A. That's correct.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

26

1 Q. Okay. And you explained to me kind of  
 2 what knock and announce means to you. But can you  
 3 tell me, from your understanding as a police  
 4 officer, what's the purpose of knock and announce?  
 5 MR. ANDERSON: Objection, form.  
 6 Go ahead, sir. Just ignore me when I  
 7 object. I'm here for the record.  
 8 THE WITNESS: Got you --  
 9 MR. ANDERSON: -- to answer questions.  
 10 BY MS. MURPHY:  
 11 Q. Yeah, sorry. Just to let you know,  
 12 there's no judge here. I'm sure --  
 13 A. Right, right.  
 14 Q. Yeah. You've been in court. And  
 15 normally, when an attorney will object, a judge will  
 16 comment on it right away. We don't have a judge  
 17 here.  
 18 So what happens is, Mr. Anderson says his  
 19 objection for the record. Later, if necessary, we  
 20 can fight over it with a judge.  
 21 A. Okay.  
 22 Q. But he's just going to state his objection  
 23 and then you answer. If he wants you not to answer,  
 24 he'll tell you. So just assume he's saying his  
 25 objection, and then you can go ahead and answer the

27

1 question.  
 2 A. Okay.  
 3 Q. Okay. And sorry, just to state that one  
 4 more time, what is your understanding of the purpose  
 5 of knock and announce?  
 6 A. To notify somebody of our presence.  
 7 Q. Does a citizen have a right to know that a  
 8 police officer is trying to gain entry?  
 9 A. In a knock and announce, yes.  
 10 Q. Okay. Does a citizen have a right to open  
 11 a door or to allow a police officer entry -- entry  
 12 before the property is destroyed?  
 13 A. Say that again, I'm sorry.  
 14 Q. Let me rephrase that.  
 15 A. Yeah.  
 16 Q. Does a citizen have a right to allow entry  
 17 before property is destroyed? And by property, I  
 18 mean -- I don't mean, like, evidence that the police  
 19 officers are trying to -- sorry, you're saying no?  
 20 A. Correct, no. Yeah.  
 21 Q. Okay. But you do understand that part of  
 22 a person's constitutional and civil rights is to  
 23 have clear notice of a police officer's intent to  
 24 enter, correct?  
 25 A. Correct.

28

1 Q. In performing your job as a police  
 2 officer, do you agree with me that you have a duty  
 3 to conduct yourself such that you do not violate the  
 4 civil or constitutional rights of members of the  
 5 public?  
 6 A. Yes.  
 7 Q. Okay. Do you also agree that if you see  
 8 other officers violating the civil or constitutional  
 9 rights of the members of the public, you have a duty  
 10 to intervene and stop that officer?  
 11 A. Yes.  
 12 Q. And can you tell me, as a -- kind of as a  
 13 contrast, what is a no-knock warrant?  
 14 A. So, a no-knock is not giving the person or  
 15 subjects any notice that it's the police whatsoever.  
 16 Q. And why would some warrants be no-knock  
 17 and some be knock and announce?  
 18 A. It would depend on the severity of the  
 19 crime, what the investigation is for. I mean,  
 20 there's numerous factors.  
 21 Q. Okay. In your experience, are property  
 22 only search warrants ever no-knock?  
 23 A. No.  
 24 Q. Okay. So would it be fair -- and I know  
 25 that I'm kind of asking you some broad questions,

29

1 and so I'm going to try to drill on it a little bit  
 2 more.  
 3 So no-knock would only be for, like, an  
 4 arrest warrant, correct?  
 5 A. I wouldn't say just that. I mean, it  
 6 could be -- it could be several things.  
 7 Q. Okay.  
 8 A. Yeah.  
 9 Q. But it wouldn't be a warrant that was for  
 10 property search and seizure only, correct?  
 11 A. Not likely, no.  
 12 Q. And we're going to lay the groundwork for  
 13 this. I know you've talked about it in part of the  
 14 CIRT and FIT interview. But what is a CET entry?  
 15 And CET is an acronym, it's C-E-T.  
 16 A. What is a CET entry?  
 17 Q. Correct.  
 18 A. Controlled Entry Tactic.  
 19 Q. Oh, is it -- I don't -- I always thought  
 20 it was pronounced -- I just thought it was called  
 21 CET, like --  
 22 A. No, CET is --  
 23 Q. My bad.  
 24 A. Yeah. I was, like, CET? I was, like,  
 25 uh-oh. I don't know that one.

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>30</p> <p>1 Q. This is a test.</p> <p>2 A. Controlled Entry Tactic.</p> <p>3 Q. Okay. Can you please tell me what is a --</p> <p>4 what is a Controlled Entry Tactic?</p> <p>5 A. It's basically what it means. I mean,</p> <p>6 we're making a controlled entry into a premise.</p> <p>7 Q. Okay.</p> <p>8 A. Whether that be a business, house,</p> <p>9 apartment.</p> <p>10 Q. And so what -- sorry. What is a</p> <p>11 controlled entry? How is that different than just</p> <p>12 entering as a police officer, like, just walk</p> <p>13 through the door?</p> <p>14 A. Well, it's different than walking through</p> <p>15 the door. We kind of have an idea of where we're</p> <p>16 going and what we're doing. There's already been a</p> <p>17 plan put in place of where you're going to go and</p> <p>18 what you're going to do.</p> <p>19 Q. Okay.</p> <p>20 A. So that's why it's controlled. It's not</p> <p>21 just we're walking in or just running in and</p> <p>22 figuring it out as we go.</p> <p>23 Q. Can you use a CET entry on a knock and</p> <p>24 announce -- on a knock and announce warrant?</p> <p>25 A. Yes.</p>	<p>32</p> <p>1 A. Yeah. So Controlled Entry is -- we're</p> <p>2 going to make entry into the premise beforehand. We</p> <p>3 know we're going to. And then a Surround and</p> <p>4 Callout would be, again, surrounding whatever it is,</p> <p>5 the structure, and calling the occupants out before</p> <p>6 making an entry.</p> <p>7 Q. Okay. And to confirm in this case, with</p> <p>8 the service of the warrant on this apartment, this</p> <p>9 was a CET entry, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And so I'm going to -- I'm going to</p> <p>12 hand -- when we do exhibits, what happens is, is I</p> <p>13 give it first to the court reporter. She puts a</p> <p>14 little sticker on it to mark what exhibit number it</p> <p>15 is, and then she'll hand it to you.</p> <p>16 And please make sure you don't leave today</p> <p>17 and take any of the exhibits with you.</p> <p>18 A. Okay.</p> <p>19 (Exhibit No. 2 was marked.)</p> <p>20 BY MS. MURPHY:</p> <p>21 Q. So --</p> <p>22 THE REPORTER: Wait, wait.</p> <p>23 MS. MURPHY: You can't do those at the</p> <p>24 same time?</p> <p>25 Q. So, James, what I've just handed you is --</p>
<p>31</p> <p>1 Q. Okay. Is there no conflict between knock</p> <p>2 and announce and a CET entry?</p> <p>3 A. No conflict between a knock and announce</p> <p>4 and a CET?</p> <p>5 Q. Yes.</p> <p>6 A. No.</p> <p>7 Q. Okay. And is part of CET -- you know, in</p> <p>8 this case, right, the windows were broken open,</p> <p>9 there were devices, the explosive -- what are they</p> <p>10 called? The distracts --</p> <p>11 A. Distracts.</p> <p>12 Q. -- were thrown in.</p> <p>13 A. Yeah.</p> <p>14 Q. And so is that part of a CET entry?</p> <p>15 A. Yes.</p> <p>16 Q. What's the purpose of the distracts and</p> <p>17 the devices?</p> <p>18 A. To create distraction.</p> <p>19 Q. To surprise; is that correct?</p> <p>20 A. Yeah, surprise.</p> <p>21 Q. Give me one second. And so perhaps it</p> <p>22 will help me have you answer the questions a little</p> <p>23 bit more in a flowing fashion, can you please tell</p> <p>24 me the difference between a Control Entry Tactic and</p> <p>25 a Surround and Callout?</p>	<p>33</p> <p>1 we're going to mark as Exhibit 2 to today's</p> <p>2 deposition transcript, and this is the Las Vegas</p> <p>3 Metropolitan Police Department, Special Weapons and</p> <p>4 Tactics. Mine says that this is kind of the</p> <p>5 internal policy on it.</p> <p>6 A. Uh-huh.</p> <p>7 Q. And the copy that I've given you, I put a</p> <p>8 tiny little mark, a highlighter mark, because I want</p> <p>9 to read to you part of the description of controlled</p> <p>10 entry, and I want you to be able to follow along</p> <p>11 with me.</p> <p>12 And for the record, it is Bates LVMPD</p> <p>13 001490. And just so that you know, James, there --</p> <p>14 on every -- almost every exhibit that I hand you,</p> <p>15 there will be an alpha numeric number down in the</p> <p>16 right-hand corner.</p> <p>17 A. Okay.</p> <p>18 Q. Those are the numbers your attorney has</p> <p>19 put on every document that we received so that we</p> <p>20 have kind of our own pagination system and we can</p> <p>21 keep track of all the documents.</p> <p>22 A. Okay.</p> <p>23 Q. So, under Controlled Entry Tactic, it</p> <p>24 reads, "This tactic can be dynamic in nature, and is</p> <p>25 a viable and time-proven option. LVMPD should use a</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">34</p> <p>1 CET to execute search warrants in those cases to</p> <p>2 lessen the risks and to enhance officer, citizen,</p> <p>3 and suspect safety. The goal of a CET is not to</p> <p>4 surround and call the subject out to SWAT officers.</p> <p>5 This tactic is meant to surprise and overwhelm the</p> <p>6 suspects."</p> <p>7 Now, as we sit here today, is the conc- --</p> <p>8 I'm going to ask you your opinion. Is the concept</p> <p>9 of surprising and overwhelming suspects, does that</p> <p>10 conflict with the purpose of no-knock -- or sorry,</p> <p>11 the purpose of knock and announce, which is to allow</p> <p>12 people the opportunity to understand and evaluate</p> <p>13 that it's a police officer trying to gain entry?</p> <p>14 A. You're going to have to give that to me</p> <p>15 one more time.</p> <p>16 Q. No problem, no problem. So -- and I'll</p> <p>17 just read the last line one more time, and then I'll</p> <p>18 ask the question again.</p> <p>19 A. Yeah.</p> <p>20 Q. "This tactic is meant to surprise and</p> <p>21 overwhelm the subjects." In your opinion, is</p> <p>22 surprising and overwhelming a suspect at odds with</p> <p>23 the concept of the knock and announce rule that a</p> <p>24 citizen is entitled to know and understand that it</p> <p>25 is a police officer trying to gain entry?</p>	<p style="text-align: right;">36</p> <p>1 understood it was police officers coming through</p> <p>2 that unit?</p> <p>3 A. I would assume based off of the</p> <p>4 announcements given.</p> <p>5 Q. You think that six seconds of</p> <p>6 announcements is sufficient to give a sleeping</p> <p>7 person inside an apartment notice and the time to</p> <p>8 understand that police officers are coming through</p> <p>9 the door?</p> <p>10 A. I believe so, yes.</p> <p>11 Q. Okay. And you think that especially --</p> <p>12 that six seconds, then it is also punctuated with a</p> <p>13 distract device and what they call it, the nine</p> <p>14 banger going off, you think that that's also</p> <p>15 sufficient time for somebody to understand that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. You don't think that perhaps</p> <p>18 Mr. Williams was surprised and couldn't have enough</p> <p>19 time to understand who was coming through the door?</p> <p>20 MR. ANDERSON: Objection, form.</p> <p>21 Go ahead.</p> <p>22 THE WITNESS: I mean, I believe he was</p> <p>23 surprised, yes.</p> <p>24 BY MS. MURPHY:</p> <p>25 Q. As we sit here today, do you think it was</p>
<p style="text-align: right;">35</p> <p>1 A. For the surprise and overwhelming, no.</p> <p>2 Q. Why not?</p> <p>3 A. Because we just need to alert them that</p> <p>4 it's the police. And, yes, they'll be surprised.</p> <p>5 But if we're there to serve a search warrant, we're</p> <p>6 going to overwhelm that premise because of the</p> <p>7 reasons listed above. Which, you know, lessen the</p> <p>8 risk, enhance officer and citizen safety, also</p> <p>9 safely take the suspect into custody as well. So</p> <p>10 that way there's not time for them to, you know, arm</p> <p>11 themselves, take up a better defensive position, or</p> <p>12 even, you know, flee the area.</p> <p>13 Q. In this case, do you think the way that</p> <p>14 this warrant was served lessened the risks and</p> <p>15 enhanced officer safety?</p> <p>16 A. Yes.</p> <p>17 Q. How did it enhance officer safety?</p> <p>18 A. So, for us, I believe that it enhanced it</p> <p>19 because we were able to quickly get into the</p> <p>20 apartment and to address the suspect in this case</p> <p>21 who was shooting at officers. And then also</p> <p>22 shooting through the rest of the apartment, which</p> <p>23 was a multi-unit apartment building. So...</p> <p>24 Q. As we sit here today, do you have any</p> <p>25 evidence or facts that would indicate Mr. Williams</p>	<p style="text-align: right;">37</p> <p>1 Mr. Williams' intention to shoot at police officers?</p> <p>2 MR. ANDERSON: Objection, form.</p> <p>3 THE WITNESS: I'm unsure.</p> <p>4 BY MS. MURPHY:</p> <p>5 Q. Okay. As we sit here today, can you do a</p> <p>6 CET entry on a property only search warrant?</p> <p>7 A. I believe so, given the -- you know,</p> <p>8 the -- again, it's circumstantial. Is it -- is it</p> <p>9 preferred? No. But if it's the only way, based off</p> <p>10 of, you know, all the other information that's being</p> <p>11 looked at, then, yes.</p> <p>12 Q. Okay. Were you aware that part of the</p> <p>13 internal investigation concluded that the policy</p> <p>14 should be changed, and that CET entries should not</p> <p>15 be used on property only search warrants?</p> <p>16 A. Are you talking a policy review?</p> <p>17 Q. Yes.</p> <p>18 A. Prior to this or --</p> <p>19 Q. Sorry --</p> <p>20 A. -- after this?</p> <p>21 Q. Following this, because of this incident.</p> <p>22 A. Okay. So what was the question again</p> <p>23 exactly?</p> <p>24 Q. No problem. I'll ask it again.</p> <p>25 Were you aware that following the</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>38</p> <p>1 investigation regarding this incident, the</p> <p>2 officer-involved shooting on January 10th, 2022 with</p> <p>3 Mr. Williams, were you aware that a recommendation</p> <p>4 was made for a policy change that CET entries no</p> <p>5 longer be used for property only search warrants?</p> <p>6 A. I believe that was a finding that they</p> <p>7 concluded, yes.</p> <p>8 Q. Okay. As we sit here today, do you have</p> <p>9 any knowledge or awareness of whether or not that</p> <p>10 policy was adopted by LVMPD?</p> <p>11 A. I believe it has been.</p> <p>12 Q. Okay.</p> <p>13 A. Yes.</p> <p>14 Q. And, like I said, we'll get into the --</p> <p>15 the actual entry itself and we'll go through all of</p> <p>16 that.</p> <p>17 A. Okay.</p> <p>18 Q. But as we sit here today, do you believe</p> <p>19 that the search warrant could have been served as a</p> <p>20 Surround and Callout rather than a CET entry?</p> <p>21 A. No.</p> <p>22 Q. But as we sit here today, based on the</p> <p>23 updated policy of LVMPD, this search warrant would</p> <p>24 have to be served as a Surround and Callout,</p> <p>25 correct?</p>	<p>40</p> <p>1 Q. And is that normally how you find out</p> <p>2 about warrants?</p> <p>3 A. Yeah, that's our primary means to</p> <p>4 communicate with the team.</p> <p>5 Q. Okay. And I -- I know it was a couple</p> <p>6 years ago, but to the best of your memory, can you</p> <p>7 tell me what was in the text that you received?</p> <p>8 A. It's kind of a standard text. It's just</p> <p>9 the other -- the other team that's working, they'll</p> <p>10 ask for additional officers to come in to</p> <p>11 supplement -- supplement their team for service of a</p> <p>12 search warrant.</p> <p>13 Q. And so if I understand correctly, James,</p> <p>14 you actually were not -- you were just brought in</p> <p>15 kind of as extra because they were short to serve</p> <p>16 this warrant, correct?</p> <p>17 A. Correct, yeah.</p> <p>18 Q. And you said it's kind of like the</p> <p>19 standard text. And I'm sorry, I don't -- if you</p> <p>20 could kind of walk me through, like, what does the</p> <p>21 text that you -- like, what's the standard text look</p> <p>22 like? You don't have -- if you don't remember this</p> <p>23 one specifically, it's fine, but if you can just</p> <p>24 kind of tell me, this is usually what the text says.</p> <p>25 A. It will usually say, blue team needs five</p>
<p>39</p> <p>1 A. I -- unless there's an exception to that</p> <p>2 policy, then, yes.</p> <p>3 Q. Okay. And I'm sorry, I didn't tell you</p> <p>4 before, if you want to take a break at any time, no</p> <p>5 matter what for. If you need to take a phone call,</p> <p>6 go to the restroom, whatever, you just tell me and</p> <p>7 we'll take a break immediately.</p> <p>8 A. Okay.</p> <p>9 Q. Okay. All right. Now we're going to get</p> <p>10 into -- and I actually offered -- if you want, we</p> <p>11 can take a short break now, because now I'm going to</p> <p>12 get into the actual, like, mechanics. And I'd like</p> <p>13 to flow through that as kind of -- without taking a</p> <p>14 break. So if you want, we can take a five- or</p> <p>15 ten-minute break now.</p> <p>16 A. I'm good.</p> <p>17 Q. Okay.</p> <p>18 A. Let's do it.</p> <p>19 Q. Great. We'll keep going.</p> <p>20 So, can you please tell me when you first</p> <p>21 became aware of the search warrant in this case?</p> <p>22 A. I believe it was the night prior, or less</p> <p>23 than 12 hours prior to. Yeah.</p> <p>24 Q. Okay. And how did you become aware?</p> <p>25 A. Through texts, text message.</p>	<p>41</p> <p>1 or six bodies for a 0500 search warrant briefing.</p> <p>2 It's going to be at Santa Fe Station. That's it.</p> <p>3 Q. Okay.</p> <p>4 A. Typically.</p> <p>5 Q. And do you have the -- do you volunteer</p> <p>6 for this or is it, like, you're up next to do this?</p> <p>7 A. That's a little bit of both, yeah.</p> <p>8 There's a -- there's a running list.</p> <p>9 Q. Okay.</p> <p>10 A. So -- and then you say, hey, yeah, I'm --</p> <p>11 based off what you have because it's a -- it's a day</p> <p>12 off. So, if you have nothing going on, then you can</p> <p>13 say, yeah, I'm available. And then depending on</p> <p>14 where you fall on the list, if you make it, you make</p> <p>15 it; if you don't, you don't.</p> <p>16 Q. Okay. I mean, I have to tell you that I</p> <p>17 personally -- you can tell me if this is different.</p> <p>18 I -- and I don't know -- and I'm kind of just trying</p> <p>19 to figure out how it works and, you know -- so</p> <p>20 you'll have to excuse me if some of my questions are</p> <p>21 a little bit clumsy.</p> <p>22 But, like, I -- I'm -- a 4:00 a.m. warrant</p> <p>23 service seems kind of intense. Was that normal for</p> <p>24 you guys or -- do you kind of get what I'm getting</p> <p>25 at?</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">42</p> <p>1 A. Yeah.</p> <p>2 Q. Okay.</p> <p>3 A. It's normal.</p> <p>4 Q. Okay.</p> <p>5 A. Yeah.</p> <p>6 Q. So that wouldn't be, like, I'm not doing a</p> <p>7 4:00 a.m. search warrant, because this -- it was not</p> <p>8 that unusual; is that fair to say?</p> <p>9 A. Correct. Yeah. Yeah.</p> <p>10 Q. Okay. And you were not part of the recon</p> <p>11 team for this warrant --</p> <p>12 A. No.</p> <p>13 Q. -- correct?</p> <p>14 Okay. Have you -- you've done recon for</p> <p>15 warrants before, though, correct?</p> <p>16 A. Yes.</p> <p>17 Q. So I understand that you weren't part of</p> <p>18 the recon team for this warrant, but you -- can you</p> <p>19 kind of walk me through when you are part of the</p> <p>20 recon team, kind of, what does that look like? What</p> <p>21 do you do?</p> <p>22 A. So, you'll typically receive the search</p> <p>23 warrant and then investigative material, basically</p> <p>24 pretty much everything that the detectives have</p> <p>25 compiled for the case. Well, depending on what they</p>	<p style="text-align: right;">44</p> <p>1 associated factors that -- that we look for. You</p> <p>2 know, is there fortifications on the house? Are</p> <p>3 there cameras? Are there dogs? You know, are there</p> <p>4 children present, visible? You know, window</p> <p>5 coverings. There's -- there's a laundry list of</p> <p>6 things.</p> <p>7 Also, we're looking at kind of the</p> <p>8 surrounding area, too. The houses, you know, next</p> <p>9 to those, the target location, as well. Because</p> <p>10 we're also going to probably send out containment</p> <p>11 positions. So making sure they have good avenues to</p> <p>12 kind of get where they need to go. You know, unlock</p> <p>13 gates or a neighbor has a large dog or something</p> <p>14 like that. Anything that would take a few minutes</p> <p>15 for them to get back there.</p> <p>16 And then we'll take all that information,</p> <p>17 we'll kind of come up with a game plan of what we</p> <p>18 think. And again, I'm using the house in this</p> <p>19 situation, but it could be an apartment. And then</p> <p>20 kind of present a plan to the Assistant Team Leader</p> <p>21 or the team leader, who they've kind of already</p> <p>22 looked at this information as well. And then kind</p> <p>23 of formulate the plan of what we're going to do and</p> <p>24 how we're going to serve it.</p> <p>25 Q. Okay. And so in this -- and so about --</p>
<p style="text-align: right;">43</p> <p>1 send over. Sometimes you have to ask for more.</p> <p>2 Some are very thorough, send everything. Some only</p> <p>3 send the required stuff.</p> <p>4 But you'll review all that. You'll review</p> <p>5 the search warrant, make sure, you know, it meets</p> <p>6 all the, you know, normal stuff that needs to be in</p> <p>7 a search warrant. So, review that.</p> <p>8 Then you'll find where the location is at,</p> <p>9 where you're going to go. So determine that. From</p> <p>10 there, we'll determine a rally point, more or less,</p> <p>11 where, you know, it's less than a five-minute drive</p> <p>12 to the target, per se. So that way -- like a</p> <p>13 staging spot so everybody can meet there and stage.</p> <p>14 And then from there, usually just two</p> <p>15 officers, sometimes it's three, sometimes it's four,</p> <p>16 go out and actually do the recon. Which if it's in</p> <p>17 a house, they'll pull it up on Google and kind of --</p> <p>18 layout of the area, see what it looks like, you</p> <p>19 know. See what's around there. And then go</p> <p>20 actually out, confirm the information that's listed</p> <p>21 in the premise, or the search warrant, that it</p> <p>22 matches, you know, what we're seeing with -- with</p> <p>23 eyes on it.</p> <p>24 You know, then obviously once we get</p> <p>25 there, too, we're looking at all the -- all the</p>	<p style="text-align: right;">45</p> <p>1 if there is an average, you tell me, because I don't</p> <p>2 know. But, like, what is the -- is there, like, an</p> <p>3 average time that you would spend on the recon? Do</p> <p>4 you know what I mean by that question?</p> <p>5 A. Yeah.</p> <p>6 Q. Like -- like, oh, usually we'll spend,</p> <p>7 like, one to two hours or half an hour, or is there</p> <p>8 kind of an average that you're comfortable with</p> <p>9 based on your experience and your service of search</p> <p>10 warrants?</p> <p>11 A. Is there a time? I'm not -- it's hard to</p> <p>12 say. I mean, depends on kind of -- we're calling</p> <p>13 officers available from all over the city, right?</p> <p>14 So, depending on what side of town you've got to go</p> <p>15 to. We -- we, I think, would average about three</p> <p>16 hours, I believe, prior to the service for the</p> <p>17 recon. Which doesn't mean it has to be done then.</p> <p>18 It could be done a couple days before, it could be</p> <p>19 done the night before. I mean, yeah, we could look</p> <p>20 at it kind of whenever. And then plan when we're</p> <p>21 going to -- when they're going to conduct the</p> <p>22 service.</p> <p>23 Q. Following this January 10, 2022 incident,</p> <p>24 did you have any opportunity to kind of further</p> <p>25 review the recon, based on what was actually</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">46</p> <p>1 physically presented -- physically occurring when</p> <p>2 you came -- came into the apartment? And if I've</p> <p>3 asked that question awkwardly, tell me to rephrase</p> <p>4 it.</p> <p>5 A. Yeah.</p> <p>6 Q. Sure. So, you -- so -- actually let me</p> <p>7 ask it differently.</p> <p>8 During the -- there was a briefing at</p> <p>9 Sam's Town, correct?</p> <p>10 A. Right.</p> <p>11 Q. Right.</p> <p>12 A. That's -- yeah, I was just thinking -- I</p> <p>13 was, like, okay. Kind of left that part out, but I</p> <p>14 could explain that part.</p> <p>15 Q. And I'll have you get that -- to that in</p> <p>16 just a second, yeah.</p> <p>17 So the briefing at Sam's Town, you get</p> <p>18 kind of delivered what the recon team has found,</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So having actually gone through</p> <p>22 this incident, been part of the officer-involved</p> <p>23 shooting, been briefed at Sam's Town, were there</p> <p>24 things that you found out about the recon that had</p> <p>25 been conducted that you later found out to be</p>	<p style="text-align: right;">48</p> <p>1 fortification on the door?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you understand that the recon</p> <p>4 failed to rule out that there were any children</p> <p>5 present in the unit?</p> <p>6 A. I believe we determined there was no</p> <p>7 children present.</p> <p>8 Q. Correct. But having looked back on it</p> <p>9 now, do you understand that part of the</p> <p>10 investigation found they hadn't ruled out that there</p> <p>11 were children, elderly, compromised people there at</p> <p>12 all? They really didn't know who was associated</p> <p>13 with the apartment. Do you understand that as we</p> <p>14 sit here today?</p> <p>15 A. I mean, based off of the recon, I believe</p> <p>16 that there was no indication that those people were</p> <p>17 there. So I would say it was ruled out at the time.</p> <p>18 Q. Okay. And then there was also an issue</p> <p>19 with window coverings when -- specifically for your</p> <p>20 position, correct?</p> <p>21 A. Correct, yeah.</p> <p>22 Q. And that wasn't accurately relayed to you</p> <p>23 before the actual service of the search warrant,</p> <p>24 correct?</p> <p>25 A. That would have been -- that was very</p>
<p style="text-align: right;">47</p> <p>1 inaccurate or poorly done?</p> <p>2 A. I'm trying to think. As far as the recon</p> <p>3 goes, I would say no. I mean, I felt we got a good</p> <p>4 briefing. I mean, a standard search warrant service</p> <p>5 briefing.</p> <p>6 Q. Okay. But to --</p> <p>7 A. There's always -- I'm sorry.</p> <p>8 Q. No, no, no. You finish.</p> <p>9 A. There -- there's always unknown or</p> <p>10 variables that -- that happen.</p> <p>11 Q. Okay.</p> <p>12 A. That can't be planned for or that</p> <p>13 aren't -- that are not caught on a recon that you</p> <p>14 kind of got to deal with on the fly. So...</p> <p>15 Q. In this case, you listed off four</p> <p>16 different things that you would want recon to look</p> <p>17 for: Window coverings, dogs, children, and</p> <p>18 fortification.</p> <p>19 A. Cameras.</p> <p>20 Q. Sorry, cameras. Okay.</p> <p>21 A. Elderly.</p> <p>22 Q. Right. And so in this case, looking back</p> <p>23 on it from your point of view today, knowing</p> <p>24 everything that you know now, do you understand that</p> <p>25 the recon failed to assess that there was a</p>	<p style="text-align: right;">49</p> <p>1 clear that would have been something we would have</p> <p>2 been told, I believe.</p> <p>3 Q. Okay, okay. If you had done the recon</p> <p>4 on -- do you have -- you do have knowledge as we sit</p> <p>5 here today about the recon that was done, correct?</p> <p>6 A. Yes.</p> <p>7 Q. As we sit here today, would you have done</p> <p>8 the recon the same way or would you have done it</p> <p>9 differently?</p> <p>10 MR. ANDERSON: Objection, form.</p> <p>11 THE WITNESS: I would have -- I probably</p> <p>12 would have done it the same way. Based off of</p> <p>13 everything that I know, it was done within -- within</p> <p>14 standard. You know, sometimes they're -- they're</p> <p>15 very difficult, especially in apartment complexes.</p> <p>16 They're extremely difficult.</p> <p>17 BY MS. MURPHY:</p> <p>18 Q. What if I were to represent to you that</p> <p>19 LVMPD's internal investigation found that the recon</p> <p>20 was not done within standard?</p> <p>21 A. I'm sorry, if you presented that to me?</p> <p>22 Q. Yeah. What if I represent -- are you</p> <p>23 surprised if I represent to you that the internal</p> <p>24 investigation found that the recon was not done</p> <p>25 consistent with LVMPD standards?</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>50</p> <p>1 A. Which investigation --</p> <p>2 Q. Sorry --</p> <p>3 A. -- the CIRT investigation?</p> <p>4 Q. Yes.</p> <p>5 A. Would it surprise me?</p> <p>6 Q. Yeah.</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. I don't know how I would answer that. Can</p> <p>10 I --</p> <p>11 Q. I want you to speak -- yeah, you answer it</p> <p>12 how you want to tell me.</p> <p>13 A. Well, I -- I believe -- I'm trying to</p> <p>14 think how I would -- how I would phrase this is, how</p> <p>15 did, one, CIRT come to that conclusion? What did</p> <p>16 they use to base their conclusion -- what did they</p> <p>17 use, right? The information. And who did they</p> <p>18 obtain that information from? Because there's</p> <p>19 varying -- varying sorts of opinion.</p> <p>20 I mean, you can ask anybody in the</p> <p>21 tactical SWAT world, search warrant world, and there</p> <p>22 are 1,000 ways to do everything. So for them to</p> <p>23 come up with that conclusion?</p> <p>24 Actually, I believe it's more of a</p> <p>25 recommendation than it -- than an actual conclusion,</p>	<p>52</p> <p>1 And these recommendations were based off</p> <p>2 of a couple different factors. Mainly department</p> <p>3 policy, right, SOPs, operating procedures. And then</p> <p>4 the SMEs, Subject Matter Experts, which I disagree</p> <p>5 with some of the ones that they -- the department</p> <p>6 had used or brought in to make those</p> <p>7 recommendations.</p> <p>8 Q. Do you feel that they unfairly assessed</p> <p>9 your guys' actions as the officers with their actual</p> <p>10 feet on the ground?</p> <p>11 A. I wouldn't say unfairly. I would say</p> <p>12 incorrectly.</p> <p>13 Q. Okay.</p> <p>14 A. And then I'll just add to that -- let me</p> <p>15 add to that.</p> <p>16 Just because I -- you know, I said</p> <p>17 incorrectly. But, the reason why is, this -- this</p> <p>18 type of job requires a high level of skill, a high</p> <p>19 level of training, and it's consistent training. So</p> <p>20 when you leave that environment, even for a short</p> <p>21 period of time, things change very quickly. So, if</p> <p>22 you're not involved in that, let's say, for a period</p> <p>23 of a year.</p> <p>24 My situation, I left last year. I come</p> <p>25 back, there would be quite a bit of things for me to</p>
<p>51</p> <p>1 which is something they could certainly recommend,</p> <p>2 right? I mean, you could find -- you could find</p> <p>3 fault in almost anything. But I would question how</p> <p>4 they came to that determination.</p> <p>5 Q. Okay.</p> <p>6 A. So...</p> <p>7 Q. And you tell me if I'm right or wrong. As</p> <p>8 I'm kind of reading you and hearing your answer, are</p> <p>9 you aware of some of the recommendations or</p> <p>10 conclusions that CIRT came to?</p> <p>11 A. I am.</p> <p>12 Q. Do you think that they're unfair or</p> <p>13 biased?</p> <p>14 MR. ANDERSON: Objection, form.</p> <p>15 Go ahead.</p> <p>16 THE WITNESS: I think they could have been</p> <p>17 done better.</p> <p>18 BY MS. MURPHY:</p> <p>19 Q. And what does that -- what does that mean</p> <p>20 to you? If you could explain to me what you mean by</p> <p>21 that.</p> <p>22 A. Well, obviously, being, you know, an</p> <p>23 involved officer, I had to go through that entire</p> <p>24 process, right? Which is fairly lengthy and it's --</p> <p>25 it's extremely detailed and in depth.</p>	<p>53</p> <p>1 catch up on, where I feel I wouldn't be a subject or</p> <p>2 expert any more because the tactics change, the</p> <p>3 situations change, the rules change. There's a lot</p> <p>4 of varying things to make, you know, an opinion and</p> <p>5 conclusion of kind of what they -- what was</p> <p>6 ultimately founded, I guess.</p> <p>7 Q. Okay. And this is my understanding of</p> <p>8 what you just said to me, and you tell me if I'm</p> <p>9 right or wrong.</p> <p>10 Do you think that some of the SMEs that</p> <p>11 they brought in were a little out of touch with how</p> <p>12 things needed to be done on the day that you served</p> <p>13 that warrant?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And I'm sorry, I should have asked</p> <p>16 this before.</p> <p>17 In your career in SWAT, how many warrants</p> <p>18 do you think you've served?</p> <p>19 A. Probably well over 1,000.</p> <p>20 Q. And how many do you think were -- if you</p> <p>21 can just give me a rough estimate, how many of those</p> <p>22 were the -- were the CET entry?</p> <p>23 A. 60 percent.</p> <p>24 Q. So this type of CET entry was something</p> <p>25 that you were very comfort- -- and you tell me if</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">54</p> <p>1 I'm right or wrong. This is something that you were  2 very well versed in and very comfortable doing,  3 correct?  4 A. Yes.  5 Q. As much as you're comfortable doing your  6 job, which is uncomfortable.  7 A. Yes, yeah.  8 Q. All right. I've kind of asked you some  9 basic questions, and I said I was going to talk  10 about the actual thing that happened. Now I'm going  11 to get to the actual thing that happened.  12 A. Okay.  13 Q. So you got -- you got the -- you received  14 notification about the warrant, you weren't on the  15 recon team, and so then you show up to Sam's Town,  16 correct?  17 A. Uh-huh.  18 Q. Can you kind of walk me through that?  19 A. So, show up -- showed up to Sam's Town.  20 Kind of normal. Get there, you know, 15 or so  21 minutes before the briefing, the briefing time.  22 Which is typically a hard time.  23 The recon officers will have, you know,  24 the information just kind of written out on a couple  25 butcher block sheets of paper. You know, you'll</p>	<p style="text-align: right;">56</p> <p>1 we're up and down Nellis pretty regularly, so it's  2 a -- it's a common area, a common style apartment  3 complex.  4 And then I was assigned as the shield  5 officer for the window team, or the stun stick team,  6 which is a win- -- the window -- window, slash, stun  7 stick team. So I knew in that situation I'd be  8 carrying a shield and a pistol, and I'd be providing  9 coverage for Officer Bertuccini, who was actually on  10 the -- the actual stun stick.  11 Q. And, so -- and I just want to confirm, you  12 said -- because I was going to ask you this, but I  13 just want to confirm, like, you're familiar with  14 this area, correct?  15 A. Yes.  16 Q. Had you -- do you -- do you know if you  17 served any other search warrants in this apartment  18 building before? Obviously not this apartment, but  19 this apartment building?  20 A. In that complex? Probably -- likely.  21 Yeah. Not 100 percent.  22 Q. And I should have asked this before. Is  23 this the only officer -- have you been involved in  24 any other officer-involved shootings?  25 A. As?</p>
<p style="text-align: right;">55</p> <p>1 have the -- the kind of overall info, you know,  2 location, address, all that, the number. Some of  3 the details.  4 They'll have a -- they'll do a -- like a  5 rough sketch of the area where we're going, you  6 know, the structure and stuff like that, the  7 surrounding landscape.  8 And then the third one will be essentially  9 the plan, more or less, where you're at, what your  10 job is, and what you're doing.  11 So showed up, take a look at that, see  12 where I'm at, see what I'm doing. From there,  13 depending on what it is, I'll go prep whatever  14 equipment I need to prep for that specific job. And  15 then we'll -- we'll conduct the briefing.  16 Q. And so for this one specifically where you  17 went at Sam's Town, you got there 15 minutes early,  18 and then can you walk me through your memory to  19 the -- as you remember it today, kind of the  20 briefing that you got, the outline you got, and what  21 your role on the -- like, what your duties were  22 going to be.  23 A. Yeah. So, from what I recall is, it was a  24 homicide-related investigation. And we were serving  25 a controlled entry warrant at 3050 Nellis, which</p>	<p style="text-align: right;">57</p> <p>1 Q. As an officer?  2 A. The one shooting?  3 Q. Other than this one, January 10th, 2022,  4 have you ever been involved in any other  5 officer-involved shootings?  6 A. No.  7 Q. Okay.  8 A. But present for quite a few. Yeah.  9 Q. Okay. To the best of your memory, can you  10 tell -- when was the nearest one that you were  11 involved in to this incident? And sorry, sorry, let  12 me -- let me clarify. Because I think -- and you  13 tell me if I'm right or wrong, if I'm understanding  14 this correctly.  15 You're talking about, if I understand it,  16 you're making a distinction between being on a team  17 but not pulling the trigger; is that correct?  18 A. Correct, yes, yeah.  19 Q. Okay. So yeah. You've been -- you've  20 been on the team where there has been an  21 officer-involved shooting, but this is the only one  22 where you discharged your weapon?  23 A. Correct, yes.  24 Q. Okay. Can you tell me about the other  25 instances where you were on the team but you were</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>58</p> <p>1 not the one that discharged your weapon?</p> <p>2 A. Several.</p> <p>3 Q. And if you could --</p> <p>4 A. Yeah.</p> <p>5 Q. Sure. If -- and I understand that some of</p> <p>6 this stuff is nearer and closer in time. When you</p> <p>7 say several, could you give me a range? Is that</p> <p>8 between, like, five and ten? Is that two to three?</p> <p>9 If you could give me kind of a range.</p> <p>10 A. Probably five to ten.</p> <p>11 Q. Okay.</p> <p>12 A. I believe. Somewhere around there. Yeah.</p> <p>13 Q. And were you -- for the -- for when you</p> <p>14 were present for other officer-involved shootings as</p> <p>15 you were part of the team, was that always when you</p> <p>16 were on SWAT?</p> <p>17 A. Yes. Yeah.</p> <p>18 Q. Okay. And can you tell me if you can</p> <p>19 remember, the nearest one in time to this incident?</p> <p>20 A. Nearest one in time.</p> <p>21 Q. The nearest one -- actually, let me -- let</p> <p>22 me back that -- strike that. Let me ask this</p> <p>23 instead.</p> <p>24 Do you remember the one that occurred</p> <p>25 closest in time before this?</p>	<p>60</p> <p>1 probably -- that's a different type of scenario than</p> <p>2 what happened here.</p> <p>3 A. Correct.</p> <p>4 Q. Right. And so let me ask you, if you can</p> <p>5 remember, do you remember if any of the</p> <p>6 officer-involved shootings that you were present for</p> <p>7 involved service of a warrant?</p> <p>8 A. I think that could be -- so, service of a</p> <p>9 warrant. I mean, we --</p> <p>10 Q. And I'm a layperson, so --</p> <p>11 A. Yeah.</p> <p>12 Q. -- if I'm --</p> <p>13 A. So we have to have --</p> <p>14 THE REPORTER: Excuse me.</p> <p>15 THE WITNESS: Oh, sorry.</p> <p>16 BY MS. MURPHY:</p> <p>17 Q. She can't us take down both --</p> <p>18 A. Got you.</p> <p>19 Q. -- at the same time.</p> <p>20 But if I'm using the wrong terms, feel</p> <p>21 free to correct me or clarify it.</p> <p>22 Sorry, go ahead.</p> <p>23 A. Are you asking in the instance of a CET or</p> <p>24 a Surround and Callout?</p> <p>25 Q. Let me ask a CET first.</p>
<p>59</p> <p>1 A. Closest in time before. January of '22.</p> <p>2 I don't. I know, sorry. They're all kind of</p> <p>3 blending in with the time frames. I can't --</p> <p>4 Q. Okay.</p> <p>5 A. I can't say with 100 percent certainty.</p> <p>6 Q. And I don't need you to give me</p> <p>7 100 percent certainty. Just about this, if you</p> <p>8 could, to the best of your memory, tell me -- maybe</p> <p>9 we don't do before or after. If you could just tell</p> <p>10 me the other officer-involved shooting that you were</p> <p>11 present for closest in time to this one.</p> <p>12 And I don't need -- you are excellent at</p> <p>13 giving very exact details in your answers. You</p> <p>14 don't have to give me that exact detail. If you can</p> <p>15 just give me your best estimate, that's what I'm</p> <p>16 asking for.</p> <p>17 A. I know there was one in November. I can't</p> <p>18 recall if it was the year prior or the year after.</p> <p>19 Hostage rescue thing. Guy murdered a couple people,</p> <p>20 had a hostage in a vehicle. We ended up tracking</p> <p>21 him down and kind of boxing the vehicle in and --</p> <p>22 and the truck that I was in, my partner jumped out</p> <p>23 and ended up getting involved in the shooting.</p> <p>24 Q. Okay. And let me ask you if -- were</p> <p>25 any -- and I think it's fair to say that that's</p>	<p>61</p> <p>1 A. Okay.</p> <p>2 Q. So, were you present, or do you remember</p> <p>3 were you present for an officer-involved shooting</p> <p>4 that involved a CET entry?</p> <p>5 A. No.</p> <p>6 Q. Okay. What about a Surround and Callout?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Can you walk me through what</p> <p>9 happened in that?</p> <p>10 A. That one. Give me a second; let me think</p> <p>11 about it. I believe it was a barricaded subject who</p> <p>12 was shooting at -- that would have been -- I take</p> <p>13 that back. I'm getting -- I'm getting confused. It</p> <p>14 would have been -- that would have been a barricaded</p> <p>15 person, so that would -- that would have been a call</p> <p>16 out, not an actual warrant. But it's -- we have to</p> <p>17 have a warrant first before we can typically do</p> <p>18 anything. So that's -- yeah.</p> <p>19 Q. Even --</p> <p>20 A. My confusion.</p> <p>21 Q. No, no, no, that's okay. And listen, I</p> <p>22 know that we're talking about stuff that happened</p> <p>23 years ago. And so I'm just asking for your -- you</p> <p>24 know, for the -- for your best memory.</p> <p>25 And so the barricaded -- so if somebody</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">62</p> <p>1 was barr- -- had you been -- had your team been  2 trying to serve a warrant? And the person  3 barricaded themselves in as a result?  4 A. This was -- been more of a -- patrol would  5 have called us. Because they were dealing with it,  6 yeah. They were trying to take somebody into  7 custody or trying to apprehend somebody who then  8 became barricaded and then started shooting.  9 Q. Okay. And then SWAT gets called in for  10 that, correct?  11 A. Correct, yeah. Yeah.  12 Q. And my understanding, in terms of the  13 service of the warrant, if you are not on the recon  14 team, you don't -- do you get much information about  15 the warrant itself?  16 A. No.  17 Q. Okay.  18 A. Just an overview.  19 Q. And is -- if -- this is my understanding,  20 and you tell me if I'm right or wrong.  21 The purpose of SWAT is to kind of just go  22 in there, serve the warrant, and then the detectives  23 come in after, correct?  24 A. Correct, yeah.  25 Q. And so, in this instance, did you know</p>	<p style="text-align: right;">64</p> <p>1 homicide investigation.  2 Q. Okay.  3 A. Or evidence of the homicide. That's  4 usually what we're told. So...  5 Q. Which -- and this is just out of -- out of  6 curiosity.  7 Which areas of LVMPD would give you more  8 detailed rundowns? Like, which units?  9 A. Narcotics typically give very -- very  10 detailed information. Patrol station, Flex teams,  11 also.  12 Q. What's a Flex team?  13 A. PSU, Flex. It changes names throughout  14 the years. So, like, a plain clothes investigative,  15 street enforcement teams.  16 Q. And so just to confirm, because you talked  17 earlier that -- that you have now -- you're now on  18 Internal Affairs, and you wouldn't be comfortable  19 coming back, even for the short time that you've  20 been gone, you wouldn't be comfortable coming back  21 and commenting on how a SWAT unit did something,  22 correct?  23 A. I don't feel, no, no. That I...  24 Q. Okay. And so is it fair for me to assume  25 that as part of your duties as a sergeant in IA, you</p>
<p style="text-align: right;">63</p> <p>1 what the warrant was seeking?  2 A. I don't -- I don't remember.  3 Q. Okay. In this instance, was it your  4 understanding that one or both of the suspects could  5 be present in the apartment?  6 A. Yes.  7 Q. Okay. And what was your -- how did you  8 come to that understanding? One or both? Was it  9 one or both?  10 A. I believe it was looking -- again, details  11 are a little foggy. Because I know we -- so  12 typically when we do do the briefing for the  13 warrants, we'll have a detective from the  14 investigative unit come out and kind of give us a  15 rundown.  16 Q. Was a detective present at this briefing  17 at Sam's Town?  18 A. I believe he was.  19 Q. Okay.  20 A. So, depending on what unit it is and the  21 detectives, some of those briefings are very good  22 and thorough; some are very generic, broad  23 overviews. Typically homicide is -- is more generic  24 and broad. Hey, we're looking for, you know, this  25 person or that person or these people related to a</p>	<p style="text-align: right;">65</p> <p>1 no longer serve search warrants?  2 A. Correct.  3 Q. All right. Okay. So, in this case, do  4 you remember the homicide detective being there  5 specifically, or do you just think I assume he was  6 there?  7 A. I believe there was one there.  8 Q. Okay.  9 A. I believe there was.  10 Q. Okay. And, to confirm, so was part of the  11 intention, as you understood it, of serving the  12 search warrant to apprehend either one or both of  13 the murder suspects?  14 A. Yes. I believe we were going for a  15 suspect and a -- evidence related to a homicide. So  16 a firearm.  17 Q. Did you have an understanding if this  18 search warrant was an arrest warrant and a search  19 warrant for property, or did you have -- did you  20 have any understanding of that?  21 A. I just know it was a search warrant for  22 anybody in the premise, property, that's it.  23 Q. Okay.  24 A. I didn't ask specifics.  25 Q. But the purpose of -- was your</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

66

1 understanding, as you were given that briefing at  
 2 Sam's Town, that part of the purpose of serving the  
 3 warrant was also to apprehend the suspects?  
 4 A. Well, we would take anybody that's --  
 5 that's present into custody. So whether you were  
 6 involved or not, you're getting taken into custody.  
 7 And that's for the investigative unit, once we turn  
 8 it over then, to determine, hey, we have our suspect  
 9 we're looking for, or this person is not related.  
 10 Let's go ahead and send them on their way.  
 11 Q. And so then explain to me, what's the  
 12 difference, then, between a search warrant and an  
 13 arrest warrant?  
 14 A. So, arrest warrant, you're looking for  
 15 somebody specifically. A search warrant is giving  
 16 you that authorization to go into the premise to  
 17 look for that person, look for evidence. I mean, it  
 18 could be --  
 19 Q. And then if you --  
 20 A. -- numerous factors.  
 21 Q. Right. And then anyone who's there is  
 22 going to be detained, correct?  
 23 A. Correct, yeah.  
 24 Q. Okay. So just to loop back to my prior  
 25 question, then, was part of your understanding of

67

1 the purpose of serving the search warrant was to  
 2 apprehend the suspects in this murder?  
 3 A. You could get technical and say that, yes.  
 4 Yeah.  
 5 Q. Okay. We are getting technical.  
 6 A. Yeah. I mean, we could say, yeah, that  
 7 anybody involved -- anybody -- the way I understood  
 8 it, anybody -- or -- there was a person inside that  
 9 apartment that was involved in a potential homicide  
 10 investigation.  
 11 Q. Okay.  
 12 A. So, yes.  
 13 Q. And as we sit here today, do you  
 14 understand that nobody involved in the homicide was  
 15 present in that apartment?  
 16 A. I found that out later, yes.  
 17 Q. Okay. Were you -- what was your position  
 18 when you found that out later? How did you react to  
 19 that?  
 20 A. React? As?  
 21 Q. What was your feeling about it?  
 22 A. I actually thought it was weird we didn't  
 23 find anybody involved. The homicide we were going  
 24 there for, because we ended up taking gunfire. We  
 25 had an officer shot. We ended up shooting and

68

1 killing a suspect. So that typically never happens  
 2 in those type of situations.  
 3 Q. Well, to be clear, Mr. Williams was not a  
 4 suspect in this homicide, correct?  
 5 A. Correct.  
 6 Q. Okay. He wasn't a suspect in any kind of  
 7 homicide, correct?  
 8 A. No. But he shot at the police. Yeah.  
 9 Q. Right. And so I'm skipping ahead a little  
 10 bit. But, also, there was no evidence related to  
 11 this murder recovered at this residence, either, was  
 12 there?  
 13 A. I don't -- I'm not -- I don't know if  
 14 there was or wasn't.  
 15 Q. Okay, okay. If I were to represent to you  
 16 that no evidence related to this homicide was  
 17 recovered at this residence, would you also qualify  
 18 that as weird?  
 19 A. I wouldn't -- no. No. Because the other  
 20 thing that I understood, it was -- it was a  
 21 flophouse, so a lot of people came and went and kind  
 22 of used it to transition through. So, typically,  
 23 when that happens, people take everything they bring  
 24 with them, they take it with them. Because if they  
 25 leave it, it's going to disappear.

69

1 Q. And when did you learn that this was a  
 2 flophouse?  
 3 A. I believe that was said during the -- the  
 4 briefing. Is they knew that -- they knew people  
 5 were transitioning in and out of the apartment. I  
 6 believe on the recon, they said when they were out  
 7 on the recon, they observed people standing out  
 8 front.  
 9 So, I think it was a one- or two-bedroom  
 10 apartment, which those places -- typically -- if  
 11 you're not on the lease you're not supposed to be  
 12 there. So not saying you can't have people over.  
 13 But what I gathered is, it was -- people were coming  
 14 in and out of the apartment, staying there, that  
 15 probably weren't associated with the apartment.  
 16 Q. And if I understand correctly, and you  
 17 tell me if I'm right or wrong, there was actually  
 18 two apartments that they intended to serve search  
 19 warrants on, correct?  
 20 A. Yes. I believe we were going to serve a  
 21 warrant on the first one and then go to a second  
 22 one.  
 23 Q. Were you going to be involved in the  
 24 second one?  
 25 A. I don't think I was, actually. I think



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">70</p> <p>1 they had enough manpower -- yeah, I think they had  2 enough manpower, where they were actually going to  3 send Officer Bertuccini and I home. They were going  4 to keep the other officer that came in with us.  5 Q. And so when you qualified this as a  6 flophouse and that your memory is that somehow that  7 was relayed to you during this briefing, was that  8 relied to you about this apartment or the second  9 apartment?  10 A. We only talked about this first apartment.  11 We didn't -- we didn't brief or plan or go over the  12 second apartment. We would have done that after we  13 handled this one.  14 Q. Okay. So your testimony here today is  15 that the briefing at Sam's Town only involved this  16 apartment, not the second --  17 A. Correct.  18 Q. -- apartment? Okay.  19 A. We were told there was a second apartment  20 that we would handle after this one was secured and  21 handled.  22 Q. Okay. So, we've come up to the point  23 where -- where you've done the briefing at Sam's  24 Town. And it's your testimony here today that you  25 were relayed information that this was some type of</p>	<p style="text-align: right;">72</p> <p>1 correct?  2 A. Uh-huh.  3 Q. Okay. So it was your understanding based  4 on this briefing that it was going to -- it was a  5 flophouse. But the intention of the warrant as you  6 understood it was to obtain evidence related to a  7 homicide; is that -- or did you not have any  8 understanding of that?  9 A. Any I understanding of?  10 Q. What the intent of the warrant was.  11 A. As far as evidence --  12 Q. Yeah.  13 A. -- goes?  14 Q. Yes.  15 A. I don't believe so. I just -- I know -- I  16 know for a fact we were serving a warrant on this  17 apartment related to a homicide. Whether --  18 whatever evidence was listed, I -- I don't recall.  19 So -- and then same with the suspects.  20 They'll come -- we'll typically have detailed  21 suspect information. But at the end of the day,  22 that really doesn't concern me. Because as the SWAT  23 team, we're going to take everybody that's --  24 everybody that's in that premise can be taken into  25 custody under the search warrant. So we're going to</p>
<p style="text-align: right;">71</p> <p>1 flophouse and that there might have been people  2 standing out front, correct?  3 A. Uh-huh.  4 Q. And it's your memory as we sit here today  5 that only information about the apartment, the first  6 apartment, was gone over at the briefing, correct?  7 A. Yes.  8 Q. Okay. And that it was -- just to confirm,  9 it was your understanding -- it was relayed to you  10 that likely, the suspect from the murder that they  11 were investigating would be present at this first  12 apartment, correct?  13 A. Correct.  14 Q. Okay. And also just to confirm, in fact,  15 that suspect was not present, correct?  16 A. I believe after they (indiscernible).  17 THE REPORTER: You believe after?  18 THE WITNESS: After he wasn't -- that he  19 wasn't.  20 BY MS. MURPHY:  21 Q. And -- sorry. And so let me ask your  22 opinion, because you talked about it a little  23 earlier. You said look -- you tell me if I  24 misunderstood your testimony. You said, hey, look,  25 with a flophouse, people don't leave stuff behind,</p>	<p style="text-align: right;">73</p> <p>1 take those people into custody and we're just going  2 to hand them over to the detectives. And that's  3 their job, then, to figure them out. So whether  4 there was one person in there or 15, we're going to  5 take everybody. Because our job is to make the  6 scene safe and then let them determine it. So, the  7 way that I would look at it would -- would be that  8 way.  9 Q. Okay. All right. So now we've gone  10 through what occurred at the -- at the Sam's Town  11 briefing.  12 A. Okay.  13 Q. If you can kind of walk me through what  14 happened following the briefing. And like -- I  15 mean, I made the offer again, do you want to take a  16 quick break? Because I know this will be a long,  17 long dialogue.  18 THE REPORTER: I would.  19 MR. ANDERSON: She's all that matters.  20 MS. MURPHY: The queen has spoken.  21 THE VIDEOGRAPHER: Off record at 11:28.  22 (Off record.)  23 THE VIDEOGRAPHER: We are back on record  24 at 11:39 a.m.  25 ...</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">74</p> <p>1 BY MS. MURPHY:</p> <p>2 Q. Prior to taking our short breaks, we had</p> <p>3 gone through the briefing at Sam's Town. And now if</p> <p>4 you could kind of walk me through what happened --</p> <p>5 and we can break it up however you want, or if you</p> <p>6 want to go through the whole dialogue, that's fine.</p> <p>7 But if you want to -- so the briefing's concluded at</p> <p>8 Sam's Town, and then what happens?</p> <p>9 A. After the briefing, at that point --</p> <p>10 Q. Sorry, I will try not to interrupt you</p> <p>11 going forward.</p> <p>12 We're going to review the body-worn camera</p> <p>13 footage, too, so I'm not trying to do a memory test</p> <p>14 to you, I just want you to walk me through --</p> <p>15 A. That's fine.</p> <p>16 Q. -- and then we're going to review the BWC</p> <p>17 too.</p> <p>18 A. Very simple. After the briefing, we'll --</p> <p>19 we'll typically go load -- or help load up any</p> <p>20 equipment that we need to bring along. Bring a lot</p> <p>21 of standard equipment with us and stuff.</p> <p>22 I think in this situation, or in this</p> <p>23 specific instance, we were taking my vehicle, my</p> <p>24 SWAT vehicle, my SWAT truck, Bertuccini and I.</p> <p>25 So we dressed out, loaded up, loaded our</p>	<p style="text-align: right;">76</p> <p>1 can you explain that to me?</p> <p>2 A. I believe in this incidence we had what --</p> <p>3 we had one of the armored vehicles with us, so we'll</p> <p>4 typically have one of those vehicles that will lead,</p> <p>5 followed by the other trucks, right? So -- because</p> <p>6 in this instance -- I can't remember how many</p> <p>7 officers we had, but we didn't have enough to fit in</p> <p>8 the armored vehicle.</p> <p>9 Q. You mean you had too many to fit in there</p> <p>10 or not enough?</p> <p>11 A. I wouldn't say that. I'd say it's</p> <p>12 probably between the equipment and you typically</p> <p>13 ride on the outside of it. So we don't like to</p> <p>14 overload that in case, you know, get in an accident</p> <p>15 or somebody hits us --</p> <p>16 Q. Sorry, maybe I misunderstood. When you</p> <p>17 said -- you meant that you had too many for everyone</p> <p>18 to ride in the armored vehicle, right? Or you had</p> <p>19 too --</p> <p>20 A. Yeah. There was just -- yeah, too many</p> <p>21 officers. I mean --</p> <p>22 Q. All right.</p> <p>23 A. -- we fit -- try to fit six or eight on an</p> <p>24 armored vehicle, which isn't a lot. But everybody</p> <p>25 else -- because we -- I think they only -- we only</p>
<p style="text-align: right;">75</p> <p>1 equipment up in my truck, and then we kind of have</p> <p>2 a -- you know, a little vehicle package that leaves</p> <p>3 Sam's Town. So we're -- we're briefed the route and</p> <p>4 which way we're going, how we're getting there, you</p> <p>5 know, where our -- where we're turning, where we're</p> <p>6 stopping and all that.</p> <p>7 I remember we left Sam's Town, came out,</p> <p>8 went -- where did we go? Right -- northbound right</p> <p>9 on Nellis, right into the apartment complex. We</p> <p>10 pulled in to the left, went down a couple hundred</p> <p>11 feet, parked the truck, stopped, got out. From</p> <p>12 there, went to get out --</p> <p>13 Q. Sorry, what -- and I said I wasn't going</p> <p>14 to interrupt you and I'm interrupting you. But what</p> <p>15 does "dressed out" mean?</p> <p>16 A. So, we'll throw on our -- you know, our</p> <p>17 vest, helmet, you know, get any of our -- you know,</p> <p>18 make sure our weapons are good, you know, everything</p> <p>19 is loaded. Make sure the -- basically, all our</p> <p>20 equipment is good, right? We have all our equipment</p> <p>21 on, all the stuff that we need. You know, whether</p> <p>22 that's personal equipment or team equipment,</p> <p>23 basically.</p> <p>24 Q. And you said that there will be a car</p> <p>25 package. I think I know what you meant by that, but</p>	<p style="text-align: right;">77</p> <p>1 brought one armored truck -- typically bring two.</p> <p>2 So -- but in that case, we had -- some of the other</p> <p>3 plain SWAT vehicles like mine, just plain, unmarked</p> <p>4 truck. And then we usually have K-9 with us in</p> <p>5 their vehicle, because they have the dog in the</p> <p>6 back. And then medical, so AMR, medical --</p> <p>7 whatever, community ambulance. And then the</p> <p>8 detective vehicles will -- will trail behind. So</p> <p>9 that's kind of the vehicle package.</p> <p>10 Q. Okay. And I thought I knew what you meant</p> <p>11 by that, but I just wanted to make sure.</p> <p>12 A. No, no worries.</p> <p>13 Q. So, sorry. Keep going. So you guys</p> <p>14 arrived, right?</p> <p>15 A. Yeah. So we get there, park the truck, we</p> <p>16 get out. Grab the equipment out of the back seat</p> <p>17 because it's kind of big and cumbersome. Can't</p> <p>18 drive holding it. We get that. From there, we'll</p> <p>19 all kind of just line up real quick. And we</p> <p>20 already -- everybody kind of already knows their</p> <p>21 place, where they're going.</p> <p>22 So we'll get lined up in that kind of</p> <p>23 order, right? So, yeah, like, your -- your breach</p> <p>24 team first, then your entry team, and then your</p> <p>25 containment teams on the side or in the back. Just</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">78</p> <p>1 depend on which -- where we're going exactly.  2 So from there, we'll just kind of line up  3 in the order that we need to go. So once we get to  4 where we're going we can -- everybody is, like --  5 breaks off into their respective spots.  6 So we do that. And then we start our  7 approach on foot to the target --  8 Q. Sorry, let me just stop you right there.  9 I want to ask. And I think I know what you mean by  10 these terms, but I just want a clean record.  11 A. Sure.  12 Q. What's the breach team?  13 A. The breach team. Whoever is going to open  14 the door, break the window, that kind of thing.  15 Q. And what's -- so I'm going to ask you the  16 difference, what's the difference between that and  17 the entry team?  18 A. So, the breach team, their sole  19 responsibility is to gain the access, right?  20 Whether that's ramming the door. In this case, ram  21 the door, right? And then they're not going to ram  22 the door and run in. They're going to ram the door,  23 move out of the way, let the entry team come in, and  24 by the time the last guy comes in, they're going to  25 fall in on the back.</p>	<p style="text-align: right;">80</p> <p>1 Q. All right. And so -- and I'm going to  2 jump around a the bit. I'm going to hold off on  3 going into the actual incident itself.  4 A. Sure.  5 Q. But as a result of this incident, did you  6 have to do, like, any counseling or therapy through  7 LVMPD?  8 A. After?  9 Q. Yeah.  10 A. Uh-huh.  11 Q. What did you have to do?  12 A. See a department psychologist.  13 Q. And how long?  14 A. How many visits did I have? I'm not sure.  15 Probably a handful.  16 Q. Okay.  17 A. Yeah.  18 Q. Maybe between five and six or somewhere in  19 that range?  20 A. Probably in that range, yeah.  21 Q. Okay. And did you have any emotional  22 impact or effect as a result of being involved in  23 this officer-involved shooting?  24 A. No.  25 Q. Okay.</p>
<p style="text-align: right;">79</p> <p>1 Q. Okay. And then what's the difference  2 between the entry team and the containment team?  3 A. So, the containment teams are -- what they  4 are, kind of contain kind of the area. So the entry  5 team is the one actually going inside, the  6 containment team is holding the outer -- the  7 outside, more or less.  8 Q. And so what team, as -- I know you were  9 holding the shield and you were on a group with  10 Bertuccini. But were you part of the breach team,  11 entry team, or containment team?  12 A. So, that would have been the window --  13 we'll use different terms. That one was the window  14 containment team. So -- because we knew we were  15 going to window, we were going to take out that  16 window. But at the same time, we're going to  17 contain it, too. So -- you know, so nobody can jump  18 out of the open window we created.  19 Q. Okay. And I'm sorry, keep going.  20 A. No. So we get there. We start making the  21 approach on foot. And then we all break off in our  22 respective positions. And go -- go to work.  23 Q. Okay.  24 A. Wait for the plan to be initiated, more or  25 less.</p>	<p style="text-align: right;">81</p> <p>1 A. No.  2 Q. All right. So, I'm sorry. So, you're --  3 if you can actually talk me through, you guys get up  4 to the unit. And --  5 A. Uh-huh.  6 Q. -- you -- you and Bertuccini are on what  7 you described to me as kind of a containment team,  8 right? Even though technically you are kind of  9 breaching the apartment, too, because you're --  10 A. Correct.  11 Q. -- yeah, you're breaking the window. And  12 so if you can kind of walk me through -- and so the  13 window was on the side of the apartment, correct?  14 A. Correct.  15 Q. Like, along the wall. You guys weren't  16 standing next to the door, correct?  17 A. Right. It was, like, kiddy corner to the  18 door, yes, on the other side.  19 Q. Perfect. It was on the other side.  20 A. Right.  21 Q. Okay. All right. So, sorry, go ahead.  22 A. That's -- we take our respective  23 positions, and -- I mean, sometimes the plans, in  24 this case, too, the plan was being started as we  25 were getting to our final position.</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

82

1 Q. So what does that mean? What did -- the  
2 plan is getting started as we get to our final  
3 position?  
4 A. So we will -- they'll make a determination  
5 of how the plan will start. I know in this instance  
6 it was, hey, as soon as we land, when we say land,  
7 that means we're getting there, right? So as soon  
8 as -- as soon as the breach team lands, so that  
9 means the breach team is there at the front door and  
10 they're getting prepared to use the ram and hit the  
11 front door, the entry team is already stacked up.  
12 So, hey, as we land, we're going to give out the  
13 announcements. So bullhorn, hey, it's Metro police,  
14 you know, give the address, location, whatever, or  
15 yell out, police with a search warrant.  
16 They'll -- we'll kind of hustle around if  
17 we're not already there, but make sure we're in our  
18 position. And then I believe in this incidence, it  
19 was on the -- I actually can't recall exactly, but I  
20 believe it was on the second -- it's typically the  
21 second or third announce is when we'll deploy our  
22 little two-man plan with Officer Bertuccini and I of  
23 inserting the stun stick into the window, breaking  
24 out the window. And then I would step in with the  
25 shield and cover the window.

83

1 So that kind of all came fairly quick,  
2 right? So as -- I think -- as we were walking up  
3 they started initiating the plan of, hey, we're  
4 going to give out the police -- search warrant,  
5 police search warrant, we hear that twice. We enact  
6 our plan, they ram the door, go in.  
7 Q. And so I read, you know, quite a bit --  
8 I've read a lot of different interviews. I know  
9 you've only read your interview.  
10 But what keeps coming up as I read these  
11 is that the -- if I understand it correctly, kind of  
12 the -- like, what was agreed or what your normal  
13 course of action was, is that you guys had to wait  
14 two announcements and then you could start the  
15 breach, correct?  
16 A. Okay. Is it -- is it two? I -- it's  
17 usually two to three, yeah.  
18 Q. Okay. And so -- and that was, like, no  
19 matter how fast those two or three announcements  
20 comes out, that was kind of what you guys would wait  
21 for, right? Is, like, okay, wait for at least two  
22 or three announcements and then we breach, correct?  
23 A. Uh-huh.  
24 Q. Okay. Sorry, keep going. So you're up at  
25 the -- so you --

84

1 A. Yeah.  
2 Q. Okay. So if I understand kind of what  
3 you're telling me, was that you kind of heard, like,  
4 what, like a couple -- you heard two announcements  
5 and then what happens?  
6 A. We enact -- we enact our plan.  
7 Q. Okay. And tell me in this case  
8 specifically, describe to me what your plan was and  
9 how you enact -- or describe to me the enactment of  
10 your plan.  
11 A. For Officer Bertuccini and I?  
12 Q. Correct.  
13 A. Okay. So, on the second announcement,  
14 that means he was going to break the window with the  
15 stick, right? Insert it, and then deploy it, right?  
16 So get the distract device to go off. And then at  
17 the same time, he'll use that same stick and pull  
18 the window out, like, the window coverings, you  
19 know, the curtains, stuff like that. Whatever -- I  
20 think -- I think there was mini blinds, in there  
21 pull those down at the same time. Get a majority of  
22 the glass out of the window.  
23 And then he'll move back, and then I --  
24 I'll step in with the shield. Because I know the  
25 team is also -- excuse me -- coming in as well,

85

1 right? So I have the shield, so there's not -- you  
2 know, we can mitigate the crossfire issue of anybody  
3 getting hit with crossfire.  
4 And then, essentially, I'll fill the  
5 window with the shield more or less, and see, you  
6 know, what's going on in this case, you know. In  
7 this instance, as soon as he pulled out of the  
8 window and I stepped up, there was gunfire going  
9 off.  
10 Q. Okay. And how -- how big is the shield?  
11 A. It's 24 by 36 inches.  
12 Q. How heavy is it? You don't have to know  
13 exact weight. If you could just kind of describe  
14 it.  
15 A. Ten to twelve pounds.  
16 Q. Okay.  
17 A. Yeah.  
18 Q. And I'm going to ask you, when I was  
19 reading your CIRT interview, you said, then I  
20 stepped up with the shield. I just kind of laid it  
21 off. I didn't fill the window completely, which I'm  
22 glad I didn't.  
23 A. Uh-huh.  
24 Q. Why were you -- and I really want to know,  
25 why were you -- I didn't understand that statement.

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">86</p> <p>1 Why were you glad you didn't fill the window 2 completely? 3 A. So, when I say "fill the window", I don't 4 mean, like, actually replacing the window with the 5 shield. I mean just -- presenting the majority of 6 the shield in the window, right? Because the goal 7 is, is the shield has a little view port in it, 8 right? Is to look through there to see, you know, 9 what's going on, right? In this case, it was taking 10 gunfire. 11 So, had I been up to the window where 12 Williams was, because he turned back and fired at 13 me, which the shield was struck by his gunfire. Had 14 I been -- I was kind of can- -- my body was kind of 15 canted. Had I been, like, traditionally standing up 16 in front of it like this, instead of more like, you 17 know, standing off to the side position, I would 18 have been struck by his gunfire. So that's what I 19 meant when I made that statement. 20 Q. And we'll go through it, too. But -- 21 because you just mentioned -- I kind of wanted to 22 get some clarification on that. 23 Reading your prior interviews, it wasn't 24 clear to me, did you feel that Williams was shooting 25 at you specifically, or did you feel like he was</p>	<p style="text-align: right;">88</p> <p>1 I would -- if I had to guess, and this is my guess, 2 is the light did draw his attention and that's why 3 he turned. And when I say turned, I mean, he was 4 laying on a couch. All he had to do was move his 5 hand over. So... 6 Q. Right. 7 A. And then shot out -- shot out at the 8 window where I was. 9 Q. Right. But you hadn't -- you hadn't -- 10 you hadn't pulled your trigger of your gun at that 11 point in time, had you, when you just flashed the 12 light on and off? 13 A. No. 14 Q. Okay. And thank you for bearing with me. 15 I know I jump around, but you mentioned it, so I 16 wanted to get to that. 17 A. Okay. 18 Q. So, you guys come up to the -- if you 19 could kind of walk me through. You come up to the 20 window, you hear two announcements, and then -- I 21 know we've kind of covered it, but I'd like to hear 22 your whole narrative. 23 So you come up to the window, and then 24 please walk me through what happened. 25 A. So I come up to the window. At that point</p>
<p style="text-align: right;">87</p> <p>1 just arcing his gun? 2 A. He shot at me specifically. Because I 3 could see the muzzle flashes from his gun. That 4 means he's shooting -- shooting at me. Plus, I 5 could feel the bullet hit the shield. 6 Q. Right. I guess my question is a little 7 bit different. I don't mean is he shooting at 8 your -- in your direction. You talked about turning 9 your light on and off and how you thought that drew 10 his attention to -- in that direction -- in your 11 direction, correct? 12 A. Yes. 13 Q. So when I say shooting at you directly, 14 what -- I guess what I'm trying to dial in a little 15 bit more is, do you feel that he was shooting at you 16 specifically as an officer, or do you think that he 17 was just shooting around, and then also the light of 18 your gun distract -- pulled his attention? Do you 19 understand the difference I'm making? 20 A. I mean -- yeah, we kind of -- really lead 21 up to that point with the whole light coming on and 22 off type thing. 23 Q. Right. I jump around. Thank you for 24 bearing with me. 25 A. But -- I don't know what his intent was.</p>	<p style="text-align: right;">89</p> <p>1 the window is already taken out, Bertuccini has kind 2 of stepped back off to my back left. 3 Q. Yeah, so, sorry. I guess I was going 4 to -- I should have asked before. Is he to your 5 left or to your right? 6 A. Left. 7 Q. Okay. So he goes to the window, steps 8 back, and then you pull up, right? 9 A. Uh-huh. 10 Q. Is it -- I don't -- 11 A. Step up, walk up. 12 Q. Okay. So, sorry, go ahead. 13 A. So I -- he steps out, I step up. Because 14 of the distract device, when it goes off, especially 15 inside of a structure, it creates a lot -- you know, 16 it's designed to create smoke and flash and noise. 17 It creates quite a bit of smoke. And where it's 18 deployed, that smoke is pretty heavy. 19 So, the vacuum effect or the air flow at 20 that time when they hit the front door open with the 21 window being broken, it created all that smoke to 22 kind of get pushed out of the window. So as I 23 stepped up, I kind of was stepping up into the 24 smoke, of the distract device going off. 25 So I stepped up -- I could hear the</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

90

1 gunfire, but I couldn't really see where it was  
 2 from. So I clicked on the light, the pistol that I  
 3 have has a light on it. I clicked it on and  
 4 immediately was blinded because of all the smoke.  
 5 So, that smoke, you know, dissipates real quick. I  
 6 mean, it -- you know, it's not like it hangs around  
 7 for ten minutes, right?  
 8 So, in that time from clicking my light  
 9 off, it -- or clicking it on and then clicking it  
 10 off, that's when I saw the muzzle flashes and felt  
 11 the shield getting hit. And I was, like, okay, the  
 12 guy is right here. He's right in front of me.  
 13 So, I -- and I knew the officers -- I had  
 14 seen them kind of come out and go -- you know, come  
 15 along this way in the apartment. So, I was able to,  
 16 you know, quickly realize, like, okay, he's right  
 17 here, kind of in this corner. So then I clicked  
 18 light back on the second time, the smoke had already  
 19 kind of dis- -- you know, cleared out, clicked on  
 20 the light, saw him shooting, and so I had to return  
 21 fire and shoot -- shoot back.  
 22 Q. Okay.  
 23 A. So...I ended up firing three rounds. And  
 24 then at that point, I -- I assessed that, okay, he's  
 25 not moving any more. He's deceased, right? So,

91

1 stop -- I stopped firing. I believe everybody else  
 2 did, too, at kind of the same time.  
 3 So at that point, I stayed in the window  
 4 because that's my job. Just kind of observe what  
 5 was going on real quick, make sure everybody was  
 6 good. I didn't realize anybody had really been shot  
 7 yet. So I know I had, right, the shield -- well,  
 8 the shield had that I was holding, so I kind of  
 9 stepped back real quick and look and -- I looked at  
 10 the shield, and I was, like, oh, man, you know, the  
 11 shield took a couple rounds.  
 12 And then I know Bertuccini and I asked,  
 13 hey, are you okay? Are you good? Let's check  
 14 yourself. Check yourself, cool. We both realized  
 15 we -- we weren't struck by gunfire.  
 16 And then after that, it's -- just the --  
 17 kind of the FIT and CIRT process that follows, you  
 18 know. And that's -- right? Treating the injured  
 19 officer, containing the scene, locking it down. You  
 20 know, kind of the police response to shootings,  
 21 right? You know, isolating the -- the officers who  
 22 shot, right, and all that.  
 23 Q. Let's take -- let's kind of pause there,  
 24 and we'll get into the rest of it. I just want to  
 25 go back over -- I've got some photos and stuff like

92

1 that. We're just going to go over that stuff.  
 2 And so in terms of the shield -- hold on  
 3 one second. I'm going to tear this off. Okay. I'm  
 4 going to hand you pictures of what I understand are  
 5 the shield. If we could please mark these as?  
 6 THE REPORTER: 3.  
 7 MS. MURPHY: 3, Exhibit 3.  
 8 (Exhibit No. 3 was marked.)  
 9 BY MS. MURPHY:  
 10 Q. And I know that you don't have a  
 11 photographic memory, but if I present this to you,  
 12 that this has been put in the report that this was  
 13 the shield that you used at the time of the  
 14 officer-involved shooting, is that consistent with  
 15 your memory?  
 16 A. Uh-huh. Yes.  
 17 Q. And it shows the -- I guess it's the  
 18 bullet point, it's marked as A1 right here. Do you  
 19 see that? Is that -- is that -- I'm assuming  
 20 they're trying to --  
 21 A. Yes.  
 22 Q. -- call that out.  
 23 A. Yeah.  
 24 Q. And so this is the shield, and that's  
 25 the -- they also called it out as the round impact,

93

1 correct?  
 2 A. Yes.  
 3 Q. All right. And then I'm going to ask --  
 4 this is another page from the report, and it's Bates  
 5 LVMPD 004271. We'll mark this as Exhibit 4.  
 6 (Exhibit No. 4 was marked.)  
 7 BY MS. MURPHY:  
 8 Q. James, is this you?  
 9 A. That's me.  
 10 Q. All right.  
 11 A. Yup.  
 12 Q. And so when you said earlier "dressed  
 13 out", is this what you meant? You're -- I would  
 14 call it suited up, but...  
 15 A. Yes, yeah.  
 16 Q. And this is taken from the -- is this  
 17 photo taken from the day of the incident, to the --  
 18 do you know -- if you can --  
 19 A. Yes, it was. Yeah.  
 20 Q. And so this is all the equipment that you  
 21 were wearing on the day of the incident, correct?  
 22 A. Correct.  
 23 Q. Okay. And there's also a picture of a --  
 24 what I understand is a Glock 17 on here. Was this  
 25 your service weapon the day of this incident?



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>94</p> <p>1 A. Correct.</p> <p>2 Q. And this is -- is this the weapon that you</p> <p>3 discharged?</p> <p>4 A. Correct.</p> <p>5 Q. And you talked about the light that you</p> <p>6 turned on. Is this -- I mean, it looks to me like</p> <p>7 a -- like a little flashlight underneath. Is that</p> <p>8 what you had turned on?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Do you know what kind of flashlight</p> <p>11 that is, by any chance?</p> <p>12 A. It's called a Modlite, M-o-n- -- or</p> <p>13 M-o-d-l-i-t (sic).</p> <p>14 Q. And you seem to know about it pretty well.</p> <p>15 Can you tell me, is there, like, something special</p> <p>16 about that kind of light?</p> <p>17 A. It's just a higher quality light.</p> <p>18 Q. And you tell me if I'm -- what do you mean</p> <p>19 by higher quality? Sorry. Like, brighter or more</p> <p>20 focused?</p> <p>21 A. Just, knowing it, you know, through kind</p> <p>22 of tactical industry, that it's a -- it's a</p> <p>23 well-known brand. Like, it's, you know, military</p> <p>24 uses it, stuff like that. Just a robust -- you</p> <p>25 know, it's --</p>	<p>96</p> <p>1 this something special for SWAT?</p> <p>2 A. This is standard for Metro overall, yeah.</p> <p>3 Q. Okay, all right. And then I'm going to</p> <p>4 hand you some other photos, and I'm going to ask</p> <p>5 that we mark this as Exhibit 5. This is another</p> <p>6 page with a photo of the actual -- I believe the</p> <p>7 apartment building, and it's Bates LVMPD 004405.</p> <p>8 (Exhibit No. 5 was marked.)</p> <p>9 BY MS. MURPHY:</p> <p>10 Q. And this has been described in the report</p> <p>11 as Officer Rothenburg's perspective. Would you</p> <p>12 agree with that?</p> <p>13 A. Yeah, yes.</p> <p>14 Q. Okay. As we sit here today, and the</p> <p>15 shield's sitting there, too. As we sit here today,</p> <p>16 is this the window that, to your recollection,</p> <p>17 Officer Bertuccini had put the stun stick through</p> <p>18 and then you put the shield --</p> <p>19 A. Yes.</p> <p>20 Q. -- in front of?</p> <p>21 All right. And so I see -- you tell me if</p> <p>22 I'm right or wrong. I see that the shield was still</p> <p>23 there. So when you left this area, you just left</p> <p>24 the shield there; is that correct?</p> <p>25 A. Yes.</p>
<p>95</p> <p>1 Q. If I --</p> <p>2 A. You can drop it more than once. Battery</p> <p>3 life is good.</p> <p>4 Q. If I called this a military-grade light,</p> <p>5 would you agree with that? If you don't, that's</p> <p>6 fine.</p> <p>7 A. I would say that they use it.</p> <p>8 Q. Okay.</p> <p>9 A. But, yeah.</p> <p>10 Q. Okay. So is -- would it be fair if I said</p> <p>11 that this is a light that is commonly used by -- by</p> <p>12 either police officers or military; is that</p> <p>13 accurate?</p> <p>14 A. Correct, yeah. Uh-huh.</p> <p>15 Q. And does the gun -- I don't know anything</p> <p>16 about the guns. Does the gun come like this or do</p> <p>17 you put it on there?</p> <p>18 A. No, the light and then the sight up there</p> <p>19 on the top is after. That's -- doesn't come with</p> <p>20 the gun.</p> <p>21 Q. Okay. And is it -- is this standard,</p> <p>22 though, that they -- the police force for SWAT</p> <p>23 modifies these Glocks like this? Or is it just</p> <p>24 for -- sorry, strike that. Let me ask this again.</p> <p>25 Is this standard for all officers, or is</p>	<p>97</p> <p>1 Q. Okay. Is that, like, standard protocol?</p> <p>2 Like, if you would have a piece of equipment like</p> <p>3 that and there's an officer-involved shooting, you</p> <p>4 just leave it there?</p> <p>5 A. Yeah. It was considered a piece of</p> <p>6 evidence at that point, yeah.</p> <p>7 Q. Okay. And I guess that's a better way for</p> <p>8 me to ask that, is that was, like, is it normal,</p> <p>9 something's considered a piece of evidence that you</p> <p>10 just leave it on the scene?</p> <p>11 A. Yes.</p> <p>12 Q. But you didn't leave your gun on the</p> <p>13 scene, did you?</p> <p>14 A. No.</p> <p>15 Q. Did you hand that over to somebody</p> <p>16 immediately?</p> <p>17 A. Not initially, no.</p> <p>18 Q. Okay.</p> <p>19 A. But they did take it, yeah.</p> <p>20 Q. How soon after did they take it?</p> <p>21 A. Couple hours.</p> <p>22 Q. Okay. And, so, we kind of walked through</p> <p>23 the actual incident itself. And like I've said a</p> <p>24 few times, we're going to watch the BWC as well.</p> <p>25 But if we can kind of -- we'll loop back to that.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">98</p> <p>1 If I can -- you can kind of tell me about what  2 happened in the hours after the incident.  3 A. Okay.  4 Q. So obviously -- not obviously. But,  5 they -- just to confirm, you weren't on the breach  6 team. You didn't go through the front door,  7 correct?  8 A. Correct.  9 Q. Okay. And so everything kind of -- would  10 they -- would you call it securing the apartment?  11 A. As far as?  12 Q. Like, everyone -- like, everyone is kind  13 of accounted for, Kubla's been taken out.  14 A. Securing the area, yeah.  15 Q. Okay. So the area has been secured. And  16 so then what happens then?  17 A. At that point, we're just kind of waiting  18 for the notifications to be made to all the  19 respective investigative units. This, I believe, is  20 five-something in the morning. So they're probably  21 still -- I would assume they were still asleep. So,  22 you know, have to wait for them to get up, get  23 dressed, respond to where we were at. So it takes a  24 little while.  25 And then also with it being an</p>	<p style="text-align: right;">100</p> <p>1 arrived.  2 Q. Is that a PPA attorney?  3 A. FOP.  4 Q. FOP, okay.  5 A. FOP attorney.  6 In the meantime, they -- while waiting to  7 be interviewed, because they had -- you know, there  8 was quite a few officers involved, I believe I  9 conducted an interview with the Force Investigation  10 Team first, FIT.  11 And then from there, I waited -- they gave  12 me a Breathalyzer test, right, to see if I had  13 consumed any alcohol previously. And then also  14 conducted a urinalysis as well. They took that.  15 Then I met with the PEEP representatives,  16 employee -- Police Employee Assistance Program. So,  17 talked to them.  18 And then I went and did the actual  19 criminalistics process, which -- that's when they  20 take -- take my handgun, right? Take the handgun in  21 this case. They took it, photographed it, wrote  22 down all the serial numbers. They took all the  23 ammunition that I had, that I was carrying, and  24 counted it all down. How many kind of bullets were  25 there, to make sure that, you know, I said I fired</p>
<p style="text-align: right;">99</p> <p>1 officer-involved shooting, they have to get, you  2 know, the criminalistic section out there, right?  3 CSI to come out and process the scene. So, there's  4 interviews involved, there's body camera review. So  5 it's a fairly lengthy process initially.  6 Q. Okay. And that occurs at the scene,  7 correct?  8 A. Yes.  9 Q. And so if you can remember, to the best of  10 your memory, if you can give me your best estimate,  11 too, approximately how long after the actual  12 officer-involved shooting did you remain on the  13 scene for?  14 A. About six hours.  15 Q. Okay. And is it fair for me to assume  16 that that six hours kind of involved you getting  17 interviewed, providing evidence, them doing these  18 types of things? Or tell me -- is that correct?  19 A. Yes.  20 Q. Okay. Did they do things, like, did they  21 swab your hands for gun powder? I really don't  22 know. I'm asking.  23 A. No. So they'll -- I had to write -- you  24 know, I'm entitled to representation at that point.  25 So, I was waiting for my attorney to arrive. He</p>	<p style="text-align: right;">101</p> <p>1 three rounds, that three rounds were expended.  2 And then they noticed me for the  3 investigation, you know, for the -- the CIRT  4 interview and all that stuff.  5 And then released -- basically released me  6 back to SWAT, SWAT team, right? So we had to  7 collect up all the equipment and stuff that we had.  8 And then leave -- leave the scene eventually.  9 Q. Did you go back to work the next day or  10 did you have a certain amount of time off relative  11 to the -- being involved in the officer-involved  12 shooting?  13 A. No. They make you take time off, yeah.  14 Q. Do you remember approximately how long you  15 took off?  16 A. I believe I was off for close to six  17 months.  18 Q. Okay.  19 A. Almost, yeah.  20 Q. And was that -- do you understand -- do  21 you know why you were off for that length of time?  22 A. Just -- it's just the length of the  23 investigation, more or less. That, and coupled with  24 the -- meeting with the psychologist, right? And  25 their assessment of when they determine you're</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">102</p> <p>1 mentally fit to go back to work. So...</p> <p>2 Q. Okay. And having reviewed what I think is</p> <p>3 actually the -- the CIRT interview, there was two --</p> <p>4 and we talked about it a little bit. There was two</p> <p>5 interviews, right? There's the FIT interview and</p> <p>6 then there's the CIRT interview, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. And so the FIT interview was taken</p> <p>9 that same day, correct?</p> <p>10 A. (The witness moved his head up and down.)</p> <p>11 Yes.</p> <p>12 Q. But it wasn't on the scene, you went</p> <p>13 somewhere. Did you go down to, like, an office?</p> <p>14 You went down to an office, correct?</p> <p>15 A. No, it was on -- it was on scene.</p> <p>16 Q. Okay.</p> <p>17 A. Yeah. In the parking lot.</p> <p>18 Q. Okay. All right. And then my</p> <p>19 understanding, having reviewed the CIRT -- your CIRT</p> <p>20 statement is that that was nine days later; is that</p> <p>21 consistent with your recollection?</p> <p>22 A. I believe so. I don't remember how many</p> <p>23 days or far apart it was.</p> <p>24 Q. It was -- was it fair to say that -- well,</p> <p>25 you tell me. Is your memory that it was kind of</p>	<p style="text-align: right;">104</p> <p>1 reaction for it to deploy. You have to pull it down</p> <p>2 and then let go of it, right?</p> <p>3 So the first couple times people use it,</p> <p>4 they tend to, like, let the handle ride, which is</p> <p>5 not enough force to hit the shotgun primer. So</p> <p>6 that's why I kept saying pulling it, pull it. Or if</p> <p>7 they don't pull it all the way down, then that will</p> <p>8 also create that kind of malfunction, more or less.</p> <p>9 Q. Do you think that there's an actual</p> <p>10 problem with how this is designed?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. No.</p> <p>14 Q. But do you think that -- you tell me if</p> <p>15 this is right or wrong. Do you think Bertuccini</p> <p>16 kind of fumbled with it a little bit?</p> <p>17 A. No, not that he fumbled with it. I mean,</p> <p>18 he just had to release it. That's it.</p> <p>19 Q. Okay.</p> <p>20 A. So...</p> <p>21 Q. And then --</p> <p>22 A. But they're also -- I'm sorry.</p> <p>23 Q. No, no, keep going. Please keep going.</p> <p>24 A. There also is a delay, too. Right? So</p> <p>25 there's, like, a -- I think a one-and-a-half second</p>
<p style="text-align: right;">103</p> <p>1 fairly soon thereafter?</p> <p>2 A. Yes, yes.</p> <p>3 Q. And these interviews seem pretty intense.</p> <p>4 What was your feeling -- what was your experience</p> <p>5 going through these interviews?</p> <p>6 A. It's just very thorough.</p> <p>7 Q. Okay. And did you make any notes that you</p> <p>8 took with any -- to any of the interviews with you?</p> <p>9 A. No.</p> <p>10 Q. Okay. All right. And we'll see it in the</p> <p>11 body-worn camera footage, too.</p> <p>12 But was there an issue with Officer</p> <p>13 Bertuccini having a problem with the stun stick?</p> <p>14 A. Initially, I just kept telling him to</p> <p>15 pull. I kept saying pull, pull, pull. Because it</p> <p>16 was a newer -- it was a newer stun stick that we</p> <p>17 were using. So, take -- get it to actually deploy,</p> <p>18 it's -- I don't know -- it's not difficult, but it</p> <p>19 required -- you know, it's a plunger-type system.</p> <p>20 But you have to release it because it's -- it's</p> <p>21 spring-loaded.</p> <p>22 So if you pull it down and then let it</p> <p>23 ride up, like -- it's got to hit a -- basically a</p> <p>24 shotgun primer. So if you try to ride it up, it</p> <p>25 won't engage the primer which will start the chain</p>	<p style="text-align: right;">105</p> <p>1 delay on it.</p> <p>2 So sometimes they'll already pull it, and</p> <p>3 you're already, like, hey, pull, pull. And they've</p> <p>4 already done it, you're just kind of waiting for it</p> <p>5 to go off. So it could have been a little bit of</p> <p>6 that, too.</p> <p>7 Q. Now, maybe this is a dumb question. How</p> <p>8 does this not blow up in your hands?</p> <p>9 A. It's on top of a stick.</p> <p>10 Q. Okay.</p> <p>11 A. Yeah.</p> <p>12 Q. That's where the actual firing mechanism</p> <p>13 is? Or, like, where the gun powder is loaded?</p> <p>14 A. The distract device is at the top, yeah.</p> <p>15 Q. Okay, all right. And then I wanted to --</p> <p>16 you talked about it a little bit, but I wanted to go</p> <p>17 back to this. Because what you said in your CIRT</p> <p>18 statement was, so when I shined my light into the</p> <p>19 smoke, it basically -- it blinded me. I couldn't</p> <p>20 see anything, like, shining or headlights in the</p> <p>21 fog.</p> <p>22 A. Uh-huh.</p> <p>23 Q. And so we talked about it a little bit</p> <p>24 before, and I just want to confirm. Yeah, when you</p> <p>25 turned that light on, it actually created an</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">106</p> <p>1 atmosphere where nothing could be kind of seen; is 2 that correct? 3 A. Correct. 4 Q. Okay. And as we sit here today, your 5 testimony is that you think that the shining of the 6 light drew Mr. Williams' attention to your 7 direction, correct? 8 A. Uh-huh. Correct. 9 Q. Okay. And I apologize if I've asked this. 10 But just so that I understand. You didn't 11 understand what the -- did you know what the actual 12 search warrant was looking for? 13 A. Just the homicide suspect. 14 Q. Okay. 15 A. Yeah. Not identified specifically. 16 Q. Okay. Do you think that it's necessary 17 for you to know what items a search warrant is 18 looking for? 19 A. No. 20 Q. Okay. Do you -- and I know that you're 21 saying no, but I'm going to ask you a follow-up 22 question. 23 A. Uh-huh. 24 Q. So wouldn't you -- is -- is your approach 25 different if the items are something that can</p>	<p style="text-align: right;">108</p> <p>1 hard, physical evidence that can't easily be 2 destroyed, correct? 3 A. Correct. 4 Q. And so you tell me if I'm right or wrong. 5 You knew that this was a homicide warrant, correct? 6 A. Uh-huh. 7 Q. And so was your -- did you even think 8 about it, or was just the assumption, like, well, 9 we're looking for homicide-type stuff, like a gun or 10 knife or something like that. 11 A. Yes. 12 Q. Okay. But you were also looking for the 13 suspects, correct? 14 A. Correct. 15 Q. And the intention was to detain them, 16 correct? 17 A. Yes. 18 Q. Okay. And they asked you about it in the 19 CIRT interview, but I don't -- I just want to 20 confirm, because you -- are you aware that there's 21 an -- you're aware that there's an issue with the 22 brass wrap on the door, correct? 23 A. Yes. 24 Q. Okay. But you weren't on the team that 25 was breaching at the door, correct?</p>
<p style="text-align: right;">107</p> <p>1 perhaps be easily destroyed versus not easily 2 destroyed? 3 A. I guess, yeah. 4 Q. So then wouldn't it be important to know 5 what the search warrant is looking for? 6 A. I mean, in this case, you know, like, 7 narcotics, we know we're looking for narcotics. In 8 this case, it was homicide. We know we're looking 9 for a person, right? Or evidence of the homicide, 10 which that could be anything. It could be a weapon, 11 it could be clothing, it could be a knife. I mean, 12 it could be... 13 Q. Nothing, though, that can be destroyed, 14 correct? 15 A. Depends. 16 Q. Let me -- let me -- let me ask this in a 17 better way. 18 If -- if you're doing a narcotic search 19 warrant and you're going after cocaine, you know 20 that that's something that can be destroyed, right? 21 A. Depending on how much it is, yeah, right. 22 Q. Let's say it's a destroyable amount. 23 A. Okay. 24 Q. Okay. And so that's going to be different 25 than if you're looking for a gun or knife or other</p>	<p style="text-align: right;">109</p> <p>1 A. Correct. 2 Q. Yeah. And so at the time that that may or 3 may not have been going on, were you aware of that 4 at all? 5 A. No. 6 Q. Okay. And you were part of the explosive 7 breach unit, correct? 8 A. Uh-huh. 9 Q. Would you -- 10 A. Yes. 11 Q. Sorry. Yes? 12 A. Yes. 13 Q. Okay. And would you have to do recons to 14 serve those breach -- or the explosive breach 15 warrants? 16 A. Yeah, they would typically -- we would 17 typically take somebody that's -- their specialty 18 and bring them along, yes. 19 Q. Okay. 20 A. If that was what they decided to do or 21 use. 22 Q. Okay. And knowing kind of like the 23 totality of all the circumstances here, do you think 24 that this warrant could have been served any 25 differently?</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">110</p> <p>1 A. I mean, we could have -- based off the</p> <p>2 totality, we could have used an explosive breach on</p> <p>3 the door or the window or both. But as far as</p> <p>4 serving it, I believe we were -- everything else was</p> <p>5 in line with our normal procedures and how we've</p> <p>6 done it in the past.</p> <p>7 Q. And that's in line as it was in 2022,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And you were involved in a prior</p> <p>11 incident with an explosive breach, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And can you kind of walk me through what</p> <p>14 happened in that?</p> <p>15 A. Which one?</p> <p>16 Q. All of them. If there's more than one. I</p> <p>17 thought there was only one.</p> <p>18 A. Well, I mean, when you say involved in an</p> <p>19 incident, are you talking about deploying one --</p> <p>20 Q. Yes.</p> <p>21 A. -- on a barricade or --</p> <p>22 Q. No, I'm talking -- my understanding was</p> <p>23 that there was one where a lady was standing behind</p> <p>24 the door, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">112</p> <p>1 higher level of approval than the SWAT lieutenant at</p> <p>2 the time.</p> <p>3 Q. Okay. And I -- again, I understand that</p> <p>4 you weren't part of the breach team at the door, but</p> <p>5 you understand -- but you understand that there was</p> <p>6 some question about calling a tactical related to</p> <p>7 the brass wrap on the door and difficulty getting</p> <p>8 through the door, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. What's your position on that? Do</p> <p>11 you think a tactical -- knowing what you know now,</p> <p>12 do you think a tactical should have been called?</p> <p>13 MR. ANDERSON: Objection, form.</p> <p>14 Go ahead.</p> <p>15 THE WITNESS: As we're trying to get in</p> <p>16 the door or...</p> <p>17 BY MS. MURPHY:</p> <p>18 Q. Well, at any time.</p> <p>19 A. Before we see it? Because if we see it, I</p> <p>20 would -- no, no. Because -- just because there's a</p> <p>21 brass wrap on the door doesn't mean that they're --</p> <p>22 we're going to make a tactical call at that point.</p> <p>23 Because it could still be defeated, right? It's not</p> <p>24 a -- it's not one of those things that's going to</p> <p>25 greatly affect anything at the end of the day. Like</p>
<p style="text-align: right;">111</p> <p>1 Q. Okay. Can you kind of walk me through</p> <p>2 that?</p> <p>3 A. So, I wasn't one of the -- even though I</p> <p>4 am one of the breachers on the team, or my team, the</p> <p>5 red team, I wasn't one of the breachers assigned to</p> <p>6 that specific role that day. I was just one of the</p> <p>7 entry officers.</p> <p>8 So, I know in that situation, we had</p> <p>9 elected to use an explosive breach on the door. And</p> <p>10 when they went to deploy explosive breach, the</p> <p>11 female was looking through the peephole of the door</p> <p>12 as it went off. So...</p> <p>13 Q. Did that result in a lawsuit?</p> <p>14 A. It did.</p> <p>15 Q. And there was a -- was there -- there was</p> <p>16 a change in policy after that incident, too,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And was part of that change in</p> <p>20 policy meant that you couldn't -- as it was served</p> <p>21 on October 10, 2022, you couldn't have used an</p> <p>22 explosive breach entry on this type of warrant,</p> <p>23 correct?</p> <p>24 A. It -- you could have, but I believe it</p> <p>25 would require different approval at that point, a</p>	<p style="text-align: right;">113</p> <p>1 if that's something I said -- like I said before, if</p> <p>2 we -- something that was missed or, you know,</p> <p>3 something unexpected that we come across, we'll kind</p> <p>4 of just work through it at that point. So it's not</p> <p>5 something we would call tactical for.</p> <p>6 Q. And --</p> <p>7 A. In my opinion.</p> <p>8 Q. And I'm asking for your opinion.</p> <p>9 A. Yeah.</p> <p>10 Q. And so once, though, that there's these</p> <p>11 multiple hits on the door and the door is not giving</p> <p>12 way, in your opinion, do you think a tactical ought</p> <p>13 to have been called then?</p> <p>14 A. So that also would involve a conversation</p> <p>15 with the breach team, kind of what they would have</p> <p>16 decided. I know typically, when I was involved in</p> <p>17 that, or part of the ram or something, we would say,</p> <p>18 hey, we're going to hit it four times. On the</p> <p>19 fourth time, if I don't get it, I'm going to move</p> <p>20 out of the way.</p> <p>21 And then typically -- the plan would</p> <p>22 typically be to step up with a shotgun to shoot the</p> <p>23 lock, get the door open, and then at that time enact</p> <p>24 a tactical plan.</p> <p>25 But just because we call tactical doesn't</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

114

1 mean we're going to stop -- typically, not trying to  
 2 open the door. We want to get the door open first.  
 3 Because that's the entry point for the search  
 4 warrant.  
 5 Q. And so I've kind of seen tactical used --  
 6 the term tactical used in kind of some varying ways  
 7 throughout all these interviews.  
 8 A. Right.  
 9 Q. So if you can explain to me what a  
 10 tactical is so I can better understand that.  
 11 A. Right. It's not a hard or fast rule, it's  
 12 a judgment call. So, typically it's designed for  
 13 when we, you know, lose that speed or surprise or  
 14 you see a subject run off, right? The door gets  
 15 breached open and you see somebody run down the  
 16 hallway into another bedroom or something. Or we  
 17 run out of sufficient manpower. So, like, a larger  
 18 structure where, you know, there's still rooms that  
 19 need to be cleared but everybody else is already --  
 20 we just ran out of officers to put in those rooms.  
 21 And then you would -- then you would call it. Such  
 22 as calling out for more people.  
 23 Q. Okay. And, so, prior to your deposition  
 24 here today, my understanding of a tactical was that  
 25 if a tactical is called, everyone kind of pulls

115

1 back, and then this would have then converted to a  
 2 Surround and Callout. So as you're explaining to  
 3 me, that's actually not accurate; is that correct?  
 4 A. So, in this case, if we called tactical  
 5 outside -- the plans were -- the breach plans were  
 6 still supposed to be enacted. But once those  
 7 happened, then we would -- we would stop. We  
 8 wouldn't push the entry. Tactical call is -- it's  
 9 not a pull back type thing, it's more a, hey, let's  
 10 stop, assess what we have. But at that time when  
 11 you stop, you know, you just want to be out in the  
 12 open, you want to move to a position of advantage,  
 13 right? So you can see something until you determine  
 14 why that call was made and who made it and for what,  
 15 you know. So...  
 16 Q. So I -- I am really trying to understand.  
 17 So my understanding of calling the tactical was  
 18 that, yeah, that they would stop trying to do the  
 19 breach, too. But if I understand how you're  
 20 explaining it to me right now, they would have still  
 21 breached through the door, but then pulled back to a  
 22 tactical advantage area.  
 23 A. Right, yes, yes.  
 24 Q. All right. And then one of the things you  
 25 talked about in your CIRT interview when they asked

116

1 you about your experience being on recon, is that  
 2 you said sometimes the recon will be covert or  
 3 sometimes it will be more overt.  
 4 A. Uh-huh.  
 5 Q. And I wanted to ask you, why would you  
 6 want overt recon? Like, what's the point of making  
 7 your presence known?  
 8 A. Overt?  
 9 Q. Yeah, you -- I'll -- and I'm not trying to  
 10 trick you, I'm really interested. And so I'll read  
 11 you the sentence that you wrote. There's two  
 12 sentences. Um, and then we'll coordinate with them,  
 13 how they want to do the recon. If it's, you know,  
 14 kind of a little more covert or overt type thing,  
 15 you know, if they want us to use their vehicles or  
 16 want us to use our vehicles.  
 17 A. Oh. So in that -- in that case, I meant,  
 18 like, the investigative unit, if they wanted us to  
 19 use their vehicles, they're typically covert  
 20 vehicles. I mean, you don't really -- you would  
 21 normally look at it and be, like, this is not a  
 22 police car, right? So SWAT, I have a Ford F350  
 23 truck, four-door truck, that has visible -- not  
 24 red -- not red and blue lights, but little light  
 25 bars on it all over it. Most people know, and

117

1 especially in some of the certain areas of the city,  
 2 they know that that truck is associated with the  
 3 SWAT team. So that's what I meant in that case.  
 4 And then as far as the covert part goes,  
 5 the detectives will usually tell us, like, hey,  
 6 we'll take our car, okay? We don't want to -- we  
 7 don't want to alert them to our presence. Whereas  
 8 an overt one may be, okay, we're just going to drive  
 9 through the neighborhood, right? It's a house or a  
 10 business or something like that. So that's what I  
 11 meant when I made that statement.  
 12 Q. Okay. And then one of the other things  
 13 you said is that -- and this is what your sentence  
 14 said. When they asked you about getting assigned  
 15 the recon.  
 16 A. Okay.  
 17 Q. You said, um, and then from there, two  
 18 guys will get assigned the recon. Actually, it's  
 19 three now. Why did it go from two to three?  
 20 A. So, I think at that point in time, they  
 21 decided to use three -- I know we had some newer  
 22 officers come up. And then -- I just -- I believe  
 23 it was just an operational change based off of how  
 24 the recon's conducted. Because of the -- the  
 25 Assistant Team Leader is -- they're the ones



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">118</p> <p>1 formulating the plan. And them and the team leader  2 are approving the plan more or less, or finalizing  3 the plan. So they talked about including the two  4 officers with the Assistant Team Leader. Because  5 they're -- they're going to formulate the plan, so  6 why don't they go, too.  7 Q. And so you use the term Assistant Team  8 Leader, and I see ATL all over this stuff. Even  9 though they're called assistant, that's actually the  10 guy running the show, correct?  11 A. More or less, yes.  12 Q. Okay. Is the team leader, like -- that's  13 kind of like a sergeant, like, they oversee --  14 A. Correct, yes.  15 Q. Okay. So you're, like, a team leader now.  16 A. Yes, yeah.  17 Q. All right. And so one of the things that  18 you said in your CIRT interview was, the purpose of  19 that recon is for SWAT to be able in the most safe  20 way, serve that search warrant. And my question  21 about that statement is, do you believe that the  22 recon in this case that was collected enabled you,  23 as a member of the SWAT team, to serve that search  24 warrant in the most safe way?  25 A. Yes.</p>	<p style="text-align: right;">120</p> <p>1 Q. Okay. And to your knowledge, did your  2 three rounds hit him?  3 A. From where I was standing at, I believe  4 so, yes.  5 Q. Okay. And you talked in your CIRT  6 interview about your experience with people  7 encountering the stun stick. And I'll read you your  8 statement on that. And you said, I've just seen it  9 so many times where people that encounter the stun  10 stick just drop to the ground immediately. So, same  11 with the distracts outside. I'm going to ask you in  12 your opinion, based on your experience as a SWAT  13 officer, why do they drop to the ground?  14 A. It's a very loud explosion. I mean, it's  15 light, flash, sound. Most people when they hear  16 that stuff, they drop to the ground because they  17 don't know if something is exploding over them or --  18 you know, they don't -- they really don't know  19 what's happening.  20 Q. Right. They don't know what's happening,  21 correct?  22 A. It's creating a distraction.  23 Q. Right. And so they don't know if they're  24 being shot at, either, correct?  25 A. It doesn't sound like a gunshot, so I</p>
<p style="text-align: right;">119</p> <p>1 Q. And so you said -- you talked about the  2 stun stick, too. You talked about the shotgun  3 primer. Does it sound like a shotgun going off?  4 A. No, it's just -- just the primer.  5 Q. What's the difference between the shotgun  6 primer and the sound of a shotgun?  7 A. So, the shotgun primer is just igniting a  8 little bit of powder. And the primer -- an actual  9 shotgun round is igniting the primer and all the  10 powder in there, depending on what type of round it  11 is. So it's significantly louder.  12 Q. Okay. And are you aware of that based on  13 your years of experience shooting as a police  14 officer?  15 A. Yes.  16 Q. Okay. And it was -- was it -- based on  17 your testimony, my understanding is, is that it  18 was -- you stopped shooting because you perceived  19 the witness as being -- or sorry, Mr. Williams as  20 being deceased, correct?  21 A. Correct.  22 Q. Okay. But to confirm, you shot three  23 times before you made the assessment that he was  24 likely deceased, correct?  25 A. After I -- yes. Yeah.</p>	<p style="text-align: right;">121</p> <p>1 would assume they don't -- would not --  2 Q. Well, I'm asking --  3 A. -- think they would be shot at.  4 Q. Right. But you're saying that your  5 experience is that they drop to the ground  6 because -- and I'm -- they perceive some type of  7 danger, correct?  8 A. Correct.  9 Q. Okay. And then you also said in your CIRT  10 interview -- I'll read the sentence to you and then  11 I want to ask you about it. And then that -- that  12 also creates surprise on the suspects, uh, and as  13 well, you know, when the front door gets blown open  14 or gets knocked down, um, they're usually focused on  15 that and what -- trying to process what's happening.  16 And so my question to you is, is it your experience  17 as a SWAT officer regularly serving warrants that  18 people have trouble processing what's happening?  19 A. I wouldn't say they have trouble  20 processing what's happening. I would say that  21 they -- they may not know what's happening, it's not  22 that they're not processing it. It's just their  23 reaction, whatever it is, is to that stimulus. You  24 know, whether they're going to kind of hold fight or  25 flight type thing.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">122</p> <p>1 Q. Right. So they don't know what's 2 happening. 3 A. I -- I guess you could say that. I mean, 4 they know that -- they know that there's something 5 going on. 6 Q. Right. 7 A. They're just not 100 probably percent what 8 it is. I mean -- and it's hard to tell. If they 9 heard, hey, the police, right, or police search 10 warrant and then they hear an explosion, they are 11 probably going to drop -- they'll most likely drop 12 to the ground. At least that's my experience in all 13 the search warrants that I've served. 14 Q. Okay. But the purpose of doing these 15 distracts is to stun them and surprise them and 16 disorient them, correct? 17 A. Yes, uh-huh. 18 Q. Okay. And I asked you before and I'll ask 19 you again, don't you think that that contradicts the 20 whole concept of knock and announce? 21 A. No. 22 Q. Okay. 23 A. No. 24 Q. And I know I -- I kind of asked you in a 25 roundabout way earlier, and I'm going to -- but I'm</p>	<p style="text-align: right;">124</p> <p>1 the -- the timing, right, of the search warrant. So 2 those type of factors, yeah. 3 Q. Okay. And -- sorry. When you say timing 4 of the search warrant, do you mean you would have 5 served it at a different time or what do you mean -- 6 or how long -- what do you mean by timing? Sorry, I 7 just want to make sure I understand what you mean. 8 A. The whole -- when I say that, I'm talking 9 about the debate of the no knock, the knock and 10 announce, the reasonableness time, that. Because 11 that is a common thing that typically -- that 12 typically comes up, right? We talk about it all the 13 time, we try to train for it and mitigate it, and, 14 you know, determine, hey, what's in a -- what's a 15 reasonable amount of time? How long do we think 16 that it's going to take? And, like, in this 17 instance, the suspect to arm themselves and to shoot 18 at us. Or just to give up. Or move to another 19 position or better position. All those different 20 factors, looking at all those. 21 Q. Okay. And so as we sit here today, then, 22 are -- and I want to make sure that I understand 23 your testimony correctly. As we're sitting here 24 today and you've just gone over this, have you, 25 then, gone back and forth about whether or not the</p>
<p style="text-align: right;">123</p> <p>1 going to ask you in a more straightforward way this 2 time. Looking back on this incident, is there 3 anything that you would have done differently? 4 Looking at the whole team, is there anything that 5 you would have said, hey, either I personally would 6 have done differently or I think this should have 7 been done differently on the team? 8 MR. ANDERSON: Objection, form. 9 THE WITNESS: Yeah, I mean, there's so 10 many factors to look at. I mean, you're -- just the 11 nature of our job is we're just critical of -- of 12 everything. Critical of yourself, of your 13 teammates, the planning process. I mean, that's how 14 you learn and get better, is to take that critical 15 look and analyzing everything. So, yeah, there 16 would be -- definitely be things that -- 17 BY MS. MURPHY: 18 Q. Can you walk -- can you walk me through 19 what things you think could be improved or on what 20 things you would have done differently? 21 A. In this specific instance, I mean, 22 obviously we brought -- we talked about it was the 23 brass wrap, right? Whether tactical -- the tactical 24 call, the deciding factors, that was a lot of stuff 25 that was also talked about after. You know, there's</p>	<p style="text-align: right;">125</p> <p>1 announcement was an appropriate amount of time? 2 A. I believe that it was appropriate, yes. 3 Q. Okay. And -- but you said that there's 4 been debate about it; is that accurate? 5 A. Yes. 6 Q. Between whom? 7 A. I mean, it's -- you hear it on the news, 8 you talk -- we talk about it amongst our team 9 members. You know, within our own agency. When 10 they talk about policy changes. I mean, we -- it's 11 a fairly -- something that's brought up -- 12 Q. Okay. 13 A. -- and talked about. 14 Q. And my understanding -- we've talked about 15 it a lot in this deposition, so thank you for 16 bearing with me. But my understanding, you know, 17 and we talked about it, like I said, quite a few 18 times, is that on January 10, 2022, the position and 19 how you guys operated, it was that, hey, it's not 20 really in a reasonable amount of time you have to 21 get off two -- it's not the time, the actual 22 timeline, but kind of the standard operating 23 procedure was, you need to get off a certain number 24 of announcements, correct? 25 A. So, the number of announcements were,</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">126</p> <p>1 enacting the another plans, so, yes, in a sense.  2 But if you're asking what, like, the total overall  3 announcements would be, it's more than two. Because  4 every word -- everybody's typically yelling police,  5 search warrant, when the first one starts.  6 Q. But here it wasn't more than two, correct?  7 A. More than two for?  8 Q. There was two announcements and then the  9 door was breached, correct?  10 A. Right. But also, during that time, police  11 are -- officers are still yelling, police, search  12 warrant.  13 Q. Do you think it's a reasonable expectation  14 that somebody who's inside a small unit full of  15 smoke and having nine bangers and a stun stick go  16 off would continue to be able to assess and  17 understand announcements that are being made?  18 MR. ANDERSON: Objection, form.  19 Go ahead.  20 THE WITNESS: Yes.  21 BY MS. MURPHY:  22 Q. Okay. So even though you testified  23 earlier than the intent is to distract somebody, to  24 surprise them, to overwhelm them, you think that  25 they would still have the mental capacity to be able</p>	<p style="text-align: right;">128</p> <p>1 BY MS. MURPHY:  2 Q. And if the -- just to let the record  3 reflect, we took a break and we watched what is your  4 body-worn camera footage. And the -- we watched the  5 entirety of the video, which is approximately --  6 well, it's not approximately, it's 20 minutes and 51  7 seconds long.  8 A. Yes.  9 Q. And you confirm that this is your  10 body-worn camera footage, and this is what you  11 remember from the date of the incident, correct?  12 A. Correct.  13 Q. Okay. And so I wanted to ask you a couple  14 questions about some -- some of the dialogue and  15 some of the things that we saw on the body-worn --  16 the BWC.  17 A. Yes.  18 Q. Okay.  19 THE VIDEOGRAPHER: I'm sorry, can you  20 slide your mike up just a little bit, just because  21 your arms are hitting it. Thank you.  22 THE WITNESS: Yeah.  23 THE VIDEOGRAPHER: Thanks.  24 BY MS. MURPHY:  25 Q. The majority of the BWC is really you and</p>
<p style="text-align: right;">127</p> <p>1 to understand announcements that are being made?  2 A. Off of my experience, yes.  3 Q. Okay. But you said that people would drop  4 to the ground. Why do you think they drop to the  5 ground?  6 A. I mean, when I say drop to the ground, I  7 mean, I guess I could be more specific in that case.  8 It's not like they're just falling to the ground and  9 laying out with their hands behind their back. I  10 mean, they're also ducking and diving, right?  11 Q. They're taking cover, correct?  12 A. Right. They're moving, you know. They're  13 maybe laying down on a couch or moving from a seated  14 position to a laying down position, right? They're  15 typically ducking.  16 Q. Yeah. They're taking cover, correct?  17 A. More or less.  18 Q. Okay. All right. Let's -- let's go off  19 the record for just a second. I'm going to set up  20 the video.  21 THE VIDEOGRAPHER: We are going off record  22 at 12:38 p.m.  23 (Off record.)  24 THE VIDEOGRAPHER: We are back on record  25 at 1:08 p.m.</p>	<p style="text-align: right;">129</p> <p>1 Bertuccini driving to the...  2 A. Incident.  3 Q. Yeah, the incident. And so there's a  4 little bit of dialogue between you and Bertuccini  5 that I wanted to ask you about.  6 A. Okay.  7 Q. Just give me one second and I'll pull it  8 up.  9 I'm going to start at about six minutes  10 and 20 -- and 15 seconds. Sorry.  11 A. Okay.  12 (Video played.)  13 BY MS. MURPHY:  14 Q. Yeah. And so I wanted to -- when you --  15 when you're talking about Back, are you talking  16 about -- are you talking about Backman, Sergeant  17 Backman?  18 A. So we're talking about actually all the  19 sergeants.  20 Q. Okay.  21 A. Yeah. But I know in that case, Sergeant  22 Backman, he was newer to the unit, so he was trying  23 to gain experience.  24 Q. And if I heard correctly, I think it was  25 you that said, why are you running this? You were</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">130</p> <p>1 talking about Sergeant Backman, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And why were you questioning Sergeant</p> <p>4 Backman's ability to run this?</p> <p>5 A. I wasn't questioning his ability, I was</p> <p>6 just questioning why he was doing it. I knew he was</p> <p>7 in training. And I'm trying to remember if at the</p> <p>8 time -- because this was a blue -- well, silver team</p> <p>9 search warrant. At the time blue team, old blue</p> <p>10 team. I believe he was assigned to our team.</p> <p>11 So typically, the team who's running the</p> <p>12 search warrant, or the day that they're working,</p> <p>13 their sergeant will run the search warrant. But I</p> <p>14 believe, if I remember correctly in this case,</p> <p>15 Backman was on our team, but he was running the</p> <p>16 search warrant, which is not very common.</p> <p>17 So -- and the fact that there were three</p> <p>18 sergeants there as well, which typically there never</p> <p>19 is. There's usually only two. And when I said Back</p> <p>20 does that all the time, he'll get the notification</p> <p>21 because he's a sergeant, right, he's in the</p> <p>22 leadership texts that they have going, he'll get the</p> <p>23 notification and he'll just show up. Which he can,</p> <p>24 because he's a supervisor. But it's, like, you</p> <p>25 know, if one of the officers did that, they'd be,</p>	<p style="text-align: right;">132</p> <p>1 service like this?</p> <p>2 A. This one is a pretty standard one. I</p> <p>3 would say yes, up until we encountered the shooting.</p> <p>4 Q. Right. You had to go through a full SWAT</p> <p>5 school. You didn't get a condensed version, did</p> <p>6 you?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 MR. ANDERSON: That's a double negative.</p> <p>10 No, you didn't have to go through? Yes --</p> <p>11 BY MR. MURPHY:</p> <p>12 Q. Correct. Sorry, let me ask it in two</p> <p>13 ways.</p> <p>14 You went through full SWAT school,</p> <p>15 correct?</p> <p>16 A. I went through it a couple times,</p> <p>17 actually, yeah.</p> <p>18 Q. You didn't get a condensed version,</p> <p>19 correct?</p> <p>20 A. No, I did not.</p> <p>21 Q. All right. And then -- if a sergeant</p> <p>22 shows -- are the sergeants also paid kind of by</p> <p>23 hour, so if they show up for extra SWAT warrants, do</p> <p>24 they get paid more?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">131</p> <p>1 like, what are you doing here, you know? So that's</p> <p>2 why we were talking about it in that instance.</p> <p>3 Q. And did it -- and I took away from that,</p> <p>4 too, and you just mentioned it earlier, that he also</p> <p>5 was in training, right? So why is he running this</p> <p>6 operation? You were aware that he hadn't finished</p> <p>7 SWAT school, right, or that he was still in</p> <p>8 training?</p> <p>9 A. Yeah. So I knew they hadn't run him</p> <p>10 through a -- because -- yeah. Because the time he</p> <p>11 came up, he didn't go through an official SWAT</p> <p>12 school. They were doing more of a -- like a</p> <p>13 condensed training type thing. I can't remember how</p> <p>14 long he had been in SWAT prior to that. If he was</p> <p>15 still in training.</p> <p>16 So, I mean, a lot of it's on-the-job</p> <p>17 training. But I just -- I questioned that, like,</p> <p>18 okay -- or I was questioning why they were there.</p> <p>19 And then I was, like, oh, it's because Backman's in</p> <p>20 training, like, that's why -- that's why he's doing</p> <p>21 it, you know.</p> <p>22 Q. Okay, all right.</p> <p>23 A. Getting the experience.</p> <p>24 Q. Do you think it's appropriate for somebody</p> <p>25 who's in training to run a SWAT search warrant</p>	<p style="text-align: right;">133</p> <p>1 Q. Okay.</p> <p>2 A. The standard call-out pay, four-hour</p> <p>3 minimum.</p> <p>4 Q. Okay. And then I'm going to go right</p> <p>5 before the incident. Hold on. I'm just going to --</p> <p>6 (Video played.)</p> <p>7 BY MS. MURPHY:</p> <p>8 Q. I didn't go back quite far enough, sorry.</p> <p>9 (Video played.)</p> <p>10 BY MS. MURPHY:</p> <p>11 Q. That's okay. I have to make sure I'm</p> <p>12 preserving the record.</p> <p>13 And so as those announcements were played</p> <p>14 from your vantage point, could you hear both the</p> <p>15 announcements clearly or were they muffled?</p> <p>16 A. I could hear them clearly.</p> <p>17 Q. You could hear both announcements clearly.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Let's play that again.</p> <p>20 (Video played.)</p> <p>21 BY MS. MURPHY:</p> <p>22 Q. Could you hear -- is it your testimony</p> <p>23 that we've just reviewed this, and you could</p> <p>24 distinctly hear the words clearly in both</p> <p>25 announcements, or could you hear basically the first</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">134</p> <p>1 announcement clearly and the second announcement</p> <p>2 you -- it was muffled?</p> <p>3 A. I could hear the first one saying, police,</p> <p>4 search warrant, and I could hear the second one. I</p> <p>5 could hear the, police, search warrant. Which would</p> <p>6 be the cue to insert the stun stick and start the</p> <p>7 plan.</p> <p>8 Q. Okay. So the -- and I want to make -- so</p> <p>9 that was standard operating procedure, that went the</p> <p>10 way it was supposed to?</p> <p>11 A. Yes.</p> <p>12 Q. You were the first -- sorry.</p> <p>13 A. Yes.</p> <p>14 Q. Yes. So it was, police officer, search</p> <p>15 warrant, and then when you heard the second police</p> <p>16 officer, which you're saying you heard clearly, that</p> <p>17 was time to go, for lack of a better term, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And then if you want to hit --</p> <p>20 sorry. If you can hit play, we'll just go a few</p> <p>21 seconds up from that.</p> <p>22 A. Okay.</p> <p>23 (Video played.)</p> <p>24 BY MS. MURPHY:</p> <p>25 Q. Okay. As we sit here today and you're</p>	<p style="text-align: right;">136</p> <p>1 had already been started for the distract. It was</p> <p>2 just waiting for it to go. Because I said pull,</p> <p>3 pull, pull. By the time I said that it was going</p> <p>4 off. So I was maybe jumping the gun a little bit on</p> <p>5 that, too.</p> <p>6 Q. Okay.</p> <p>7 A. That's --</p> <p>8 Q. That's actually the only stuff I wanted --</p> <p>9 and then -- I don't think we -- you remember as we</p> <p>10 watched this, you -- well, you already testified</p> <p>11 about it, that as the video goes on, you talk about</p> <p>12 the confusion -- you even experienced confusion</p> <p>13 between the nine banger and the shots, correct?</p> <p>14 A. Right. So initially, the other guys kind</p> <p>15 of behind us, further -- a little bit further down</p> <p>16 by the patio, where they had tossed it. So they</p> <p>17 tossed it pretty -- kind of close to us, which is</p> <p>18 okay. But it kind of caught me off guard. Because</p> <p>19 we wear the electronic ear -- ear protection. So it</p> <p>20 just -- it's designed to muffle those loud crack</p> <p>21 noises, like gunshots. So even the distracts. So</p> <p>22 when you hear that, it's really hard -- if I heard</p> <p>23 it with just my regular -- you know, without any --</p> <p>24 without that on I could tell.</p> <p>25 But with those on, it's hard to kind of</p>
<p style="text-align: right;">135</p> <p>1 listening to this, are -- is it your position that</p> <p>2 the noise between the nine banger and the gunfire</p> <p>3 are easily distinguishable, or do they sound</p> <p>4 similar?</p> <p>5 A. So, at the time -- I mean, listening to</p> <p>6 it, it's -- it's more clear. But at the time it was</p> <p>7 hard -- it's a little bit harder to tell, actually.</p> <p>8 Q. And just to understand -- and it's a</p> <p>9 little difficult to see -- I don't think you were</p> <p>10 trying to modify the record in any way, but it is a</p> <p>11 little bit difficult to tell exactly what your</p> <p>12 vantage point is. Because what we see is right --</p> <p>13 the top of the shield kind of cuts off half of that.</p> <p>14 A. Right.</p> <p>15 Q. But is it -- you tell me if I'm right or</p> <p>16 wrong. My understanding is that he had broken the</p> <p>17 window, and then you were yelling pull, pull, pull,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So from Mr. Williams' vantage point</p> <p>21 inside, a window is broken, and then he hears pull,</p> <p>22 pull, pull, and then it starts -- the distraction</p> <p>23 devices start, correct?</p> <p>24 A. Correct. Or the -- probably in this case,</p> <p>25 listening to it or watching it, is the -- the train</p>	<p style="text-align: right;">137</p> <p>1 tell at first what -- where it's coming from.</p> <p>2 Especially when they -- I'm outside and they</p> <p>3 deployed it outside with me right there. So had I</p> <p>4 been inside when they deployed it, I -- would have</p> <p>5 been a lot easier to tell.</p> <p>6 Q. But that's also from your vantage point of</p> <p>7 being an officer for 13 years and having been at gun</p> <p>8 ranges for 13-plus years as well, correct? You're</p> <p>9 not a civilian.</p> <p>10 A. Correct, yeah.</p> <p>11 Q. And I want to -- I want to -- we're done</p> <p>12 with the video. Sorry, I'm not -- yeah, you can</p> <p>13 close it. Thank you, yeah.</p> <p>14 I want to read you one of the standard --</p> <p>15 thank you, thank you, very much, James. I want to</p> <p>16 read you one of the standards for knock and</p> <p>17 announce. And this comes from a United States</p> <p>18 Supreme Court case. If, after notice of his</p> <p>19 authority and purpose, an officer is refused</p> <p>20 admittance, then the Supreme Court goes on to say</p> <p>21 it's okay to breach the door.</p> <p>22 Having watched this video, can you tell me</p> <p>23 at any point in time where Mr. Williams refused you</p> <p>24 or anyone on that team admittance into the</p> <p>25 apartment? Before the breach.</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">138</p> <p>1 A. What was the --</p> <p>2 Q. No problem.</p> <p>3 A. -- the court case again? What did the</p> <p>4 Supreme Court say?</p> <p>5 Q. That if, after notice of his authority and</p> <p>6 purpose, an officer is refused admittance.</p> <p>7 A. Okay.</p> <p>8 Q. What did Mr. Williams do to refuse you or</p> <p>9 anyone on your team admittance prior to the breach?</p> <p>10 A. Having the door closed and locked? Is</p> <p>11 that what we're talking about? Or giving him the</p> <p>12 time to answer the door?</p> <p>13 Q. Well, the Supreme Court says that he gets</p> <p>14 time to answer the door, or time to indicate that</p> <p>15 he's going to refuse you admittance. So was there</p> <p>16 any indication that Mr. Williams was going to --</p> <p>17 before entry through the door, was there any</p> <p>18 indication that Mr. Williams would have refused you</p> <p>19 admittance?</p> <p>20 A. Not up until that point, no.</p> <p>21 Q. Okay. And there's also a Supreme Court</p> <p>22 case that says that the Supreme Court has held that</p> <p>23 a 15- to 20-second wait after police officers</p> <p>24 announce their presence was reasonable under the</p> <p>25 Fourth Amendment and Section 3109.</p>	<p style="text-align: right;">140</p> <p>1 conclusions that was made, and I want to ask your</p> <p>2 opinion on it.</p> <p>3 A. Uh-huh.</p> <p>4 Q. By conducting a CET to surprise and</p> <p>5 overwhelm the occupants of the structure, it</p> <p>6 inherently contradicts the knock and announce rule</p> <p>7 which require officers to wait a reasonable amount</p> <p>8 of time set forth by United States Supreme Court</p> <p>9 case law and the Nevada Revised Statutes. Do you</p> <p>10 agree or disagree with that conclusion?</p> <p>11 A. The reasonable -- what is the reasonable</p> <p>12 amount of time?</p> <p>13 Q. No, sorry. Let me read it one more time.</p> <p>14 A. Yeah, sorry. I missed the first part.</p> <p>15 Q. No, no, no. By conducting a CET --</p> <p>16 A. Okay.</p> <p>17 Q. -- to surprise and overwhelm the occupants</p> <p>18 of the structure, it inherently contradicts the</p> <p>19 knock and announce rule, which requires officers to</p> <p>20 wait a reasonable amount of time set forth by the</p> <p>21 United States Supreme Court case law and the Nevada</p> <p>22 Revised Statutes. Is it -- do you agree or disagree</p> <p>23 that by conducting a CET to surprise and overwhelm,</p> <p>24 that contradicts the knock and announce rule?</p> <p>25 A. Yeah, I would say I don't agree with that.</p>
<p style="text-align: right;">139</p> <p>1 As we sit here today, what we've discussed</p> <p>2 before was that your understanding of knock and</p> <p>3 announce was that it had to be -- or it should have</p> <p>4 been two or three announcements before the breach</p> <p>5 was made, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And that is irrespective of the</p> <p>8 amount of time -- the amount of seconds that passes,</p> <p>9 correct?</p> <p>10 A. I would say it's about that time, but,</p> <p>11 yes.</p> <p>12 Q. Well, in this case, there was one and a</p> <p>13 half or two announcements, and six seconds went by.</p> <p>14 A. Okay, yeah.</p> <p>15 Q. So that's clearly not 15 to 20 seconds,</p> <p>16 correct?</p> <p>17 A. Well, I would say that's from when the</p> <p>18 window was breached. But that wasn't our entry</p> <p>19 point; the front door was.</p> <p>20 Q. I will -- I will represent to you that</p> <p>21 even the -- own internal investigation found there</p> <p>22 was six seconds between the beginning of the</p> <p>23 announcement and the breach of the door.</p> <p>24 A. Okay. All right.</p> <p>25 Q. Okay? I want to read you one of the</p>	<p style="text-align: right;">141</p> <p>1 Because it's a knock and announce. You're just</p> <p>2 announcing your presence, more or less. Whether</p> <p>3 it's six seconds or 20 seconds. The main question</p> <p>4 is, what's reasonable to get to the door and open</p> <p>5 the door, and how fast can you do that?</p> <p>6 Q. Okay. And so is the purpose, then, of</p> <p>7 giving the announcements to just rattle them off and</p> <p>8 get through the door as quickly as possible?</p> <p>9 A. I wouldn't say rattle them off. I mean,</p> <p>10 you know, the goal is, the point is, to make them</p> <p>11 loud and clear that it's the police and we're there</p> <p>12 to serve a search warrant.</p> <p>13 Q. Okay.</p> <p>14 A. Yeah.</p> <p>15 Q. Do you think somebody that's sleeping</p> <p>16 inside an apartment that they don't normally live at</p> <p>17 can automatically assess within seconds what kind of</p> <p>18 announcement is being made?</p> <p>19 A. Off of my previous experience, yes.</p> <p>20 Q. Okay. And that's part of your experience</p> <p>21 of serving these and your understanding of what the</p> <p>22 policies and procedures for LVMPD are?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And that you under- -- do you</p> <p>25 understand that both the Nevada Supreme Court, the</p>



James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">142</p> <p>1 Nevada Revised Statute, and the United States</p> <p>2 Supreme Court disagrees that six seconds is a</p> <p>3 sufficient amount of time?</p> <p>4 A. Yes, okay.</p> <p>5 Q. Okay. You'll take my word for it, is</p> <p>6 that --</p> <p>7 A. Yeah.</p> <p>8 Q. Okay, all right. I think -- oh, yeah, I</p> <p>9 just wanted to ask you some follow-up questions</p> <p>10 about your interrogatories.</p> <p>11 I just wanted to confirm, one of the</p> <p>12 interrogatory questions asked you to describe any</p> <p>13 retraining, discipline, demotions, or other adverse</p> <p>14 employment action taken against you as a result of</p> <p>15 this incident. And your response was none. Is that</p> <p>16 correct.</p> <p>17 A. Correct.</p> <p>18 Q. So that includes not just discipline, but</p> <p>19 there was no retraining, either; is that accurate?</p> <p>20 A. As in?</p> <p>21 Q. Was there any --</p> <p>22 A. Because of the incident?</p> <p>23 Q. Correct, yes.</p> <p>24 A. Retraining? Personally for me? No. But,</p> <p>25 I mean, we learned from the incident.</p>	<p style="text-align: right;">144</p> <p>1 deployment of distracts. You know, and then several</p> <p>2 changes from the actual department, right, of</p> <p>3 policy -- department policy.</p> <p>4 Q. And so -- thank you for that very detailed</p> <p>5 answer. And I wanted to be a little bit more</p> <p>6 specific, and so let me ask it a little bit better.</p> <p>7 In terms of you and how you function, have</p> <p>8 you changed any ways that you function, based on</p> <p>9 this incident? And I -- and I don't doubt that</p> <p>10 you've been very critical of yourself. I'm not</p> <p>11 trying to imply that you weren't. But I'm asking</p> <p>12 for you opinion, have you personally done -- like,</p> <p>13 have you modified your practice or anything that</p> <p>14 you've done as a result of this incident?</p> <p>15 A. As of now, no. I'm no longer on the SWAT</p> <p>16 team.</p> <p>17 Q. Sorry, so let me clean that question up</p> <p>18 even more.</p> <p>19 When you were still on the SWAT team, as a</p> <p>20 result of this incident, was there anything that you</p> <p>21 changed how you did?</p> <p>22 A. Yeah, yeah, I did, yeah.</p> <p>23 Q. What did you change?</p> <p>24 A. So, this was a good -- good case or, you</p> <p>25 know, good incident for me. I've been involved</p>
<p style="text-align: right;">143</p> <p>1 Q. Okay. What did you guys -- sorry. What</p> <p>2 did you learn from the incident?</p> <p>3 A. I mean, again, like I explained earlier,</p> <p>4 everybody's critiquing themselves, they're</p> <p>5 critiquing the incident, what could have been done</p> <p>6 better, you know, was there -- you know, did we</p> <p>7 recognize points of failure?</p> <p>8 Which, I mean, obviously we don't need the</p> <p>9 CIRT team to point that out, we can look at our own</p> <p>10 internal mechanisms and figure it out and look at</p> <p>11 ourselves and figure it out. And that's as simple</p> <p>12 as, did I go left when I should have went right, you</p> <p>13 know?</p> <p>14 So, individually, I know a lot of guys</p> <p>15 will look at that as a tool. So when you say</p> <p>16 retrain, in the -- as a form of, this was messed up,</p> <p>17 or a disciplinary thing or anything like that, no.</p> <p>18 But we did train in the sense to get better, right?</p> <p>19 Q. And so how have you gotten better since</p> <p>20 this incident?</p> <p>21 A. Well, I know they made some policy</p> <p>22 revisions, right, as a whole. I know that certain</p> <p>23 calls were -- well, not calls, but certain tactics</p> <p>24 were cleaned up, right, as far as breaching of the</p> <p>25 door goes. The use of the tactical call. You know,</p>	<p style="text-align: right;">145</p> <p>1 in -- I -- probably well over 1,000 search warrants</p> <p>2 at that point. Callouts, shootings, just about</p> <p>3 everything.</p> <p>4 And I realized something as -- you know,</p> <p>5 this seemed just like a normal, run of the mill</p> <p>6 search warrant. We've done this hundreds of times</p> <p>7 at this hour, these locations, similar locations.</p> <p>8 But this one was different because we</p> <p>9 ended up taking gunfire and had officers shot. And</p> <p>10 in turn, had to shoot. And it was the first time</p> <p>11 I've had to, you know, discharge my firearm in the</p> <p>12 course of, you know, the line of duty, more or less.</p> <p>13 So, there's quite a few things to take away from it,</p> <p>14 yeah.</p> <p>15 Q. And so I'm asking you, what did you take</p> <p>16 away from it? What did you change while you were</p> <p>17 still on SWAT?</p> <p>18 A. Just -- I mean, I think that's a pretty</p> <p>19 broad question. I mean, it's a lot, you know.</p> <p>20 Like, took kind of -- boils down to even my</p> <p>21 mentality going in there. Like, hey, let's -- you</p> <p>22 know, the heightened state, right? Like, okay, we</p> <p>23 need to treat this as a high level -- we may be</p> <p>24 involved in a shooting, people may get shot. So,</p> <p>25 you know, that's probably one of the highest things,</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">146</p> <p>1 right?</p> <p>2 Not saying that this incident was, you</p> <p>3 know -- it was a nothing until something actually</p> <p>4 happened, right? I mean, it was -- we still treated</p> <p>5 it how we would -- how we would normally. But it</p> <p>6 makes you realize, this was a significant incident</p> <p>7 with significant injuries to people.</p> <p>8 So, moving forward, you just realize,</p> <p>9 like, okay, I'd better take things very serious,</p> <p>10 right? So -- and that boils down to a laundry list</p> <p>11 of stuff. Your weapons, your firearms, how you</p> <p>12 carry things, right? Preplanning in your head what</p> <p>13 you're going to do the next incident this happens.</p> <p>14 I mean, there's -- you could make a list of them.</p> <p>15 Q. And so let me kind of cut to the chase,</p> <p>16 and you tell me if I'm right or wrong in my</p> <p>17 understanding.</p> <p>18 When you talk about that you have changed</p> <p>19 as a result of this incident, you're talking about</p> <p>20 your frame of mind, how you're approaching them, are</p> <p>21 you taking it seriously -- and I know what you're</p> <p>22 trying to say, and I'm not trying to put you in a</p> <p>23 place. But you're saying --</p> <p>24 A. Okay.</p> <p>25 Q. -- that probably every one, you're</p>	<p style="text-align: right;">148</p> <p>1 you're, like, oh, I'll never go to court and argue</p> <p>2 about what was said on a phone call again. I'll</p> <p>3 always send some kind of confirming e-mail.</p> <p>4 So that's something in kind of our</p> <p>5 day-to-day practice that we learn as we get, you</p> <p>6 know, through incidents and we become more seasoned.</p> <p>7 So that's an example I could give you. Do</p> <p>8 you have anything like, in kind of your day-to-day</p> <p>9 functioning that you modified or changed as a result</p> <p>10 of this incident?</p> <p>11 A. I wouldn't say my day-to-day functioning,</p> <p>12 but --</p> <p>13 Q. Okay.</p> <p>14 A. -- I would say how -- you know, how things</p> <p>15 were done, you know, in that situation. Like, being</p> <p>16 a recon officer, right? Things to look for, stuff</p> <p>17 like that.</p> <p>18 But, a lot of the things that happened in</p> <p>19 this specific incidence have happened before. So,</p> <p>20 you know, brass wraps have been missed, right?</p> <p>21 Announcements have been shorter. Some have been</p> <p>22 longer. So, I would say based off the situation.</p> <p>23 But for me personally, did I change anything</p> <p>24 different? I don't -- I don't think so.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">147</p> <p>1 taking -- not, like, oh, it's -- you're not</p> <p>2 approaching every one, like, oh, this is the</p> <p>3 standard warrant any more. Is that fair -- is</p> <p>4 that -- when you were on SWAT.</p> <p>5 A. Right.</p> <p>6 Q. Okay. So -- and I appreciate your</p> <p>7 detailed explanation of that.</p> <p>8 Setting that issue aside, is there</p> <p>9 anything in your day-to-day functioning, aside from</p> <p>10 you have a different mentality about this, is there</p> <p>11 anything in your day-to-day functioning as when you</p> <p>12 were still a SWAT officer that you changed as a</p> <p>13 result of this incident? Do you understand the</p> <p>14 distinction I'm getting at?</p> <p>15 A. Yeah, I mean, you're -- I mean, day-to-day</p> <p>16 function as in --</p> <p>17 Q. So I'll --</p> <p>18 A. -- give me an example?</p> <p>19 Q. I will give you an example of what I --</p> <p>20 from something that happened as a lawyer, right?</p> <p>21 And Craig will probably back me up on this.</p> <p>22 That we always send confirming letters and</p> <p>23 e-mails after a phone call with either a client or</p> <p>24 opposing counsel. You only have that, for lack of a</p> <p>25 better -- blow up in your face one time before</p>	<p style="text-align: right;">149</p> <p>1 A. Yeah.</p> <p>2 Q. All right. And just to confirm, we've</p> <p>3 gone through all -- thank you for sitting through</p> <p>4 and going through all this. We've gone through it</p> <p>5 in so much detail.</p> <p>6 Just to confirm, although you have come</p> <p>7 through it with a different state of mind, as we sit</p> <p>8 here today, there's not anything that you would do</p> <p>9 differently, correct?</p> <p>10 A. No.</p> <p>11 Q. Okay. I think that's it.</p> <p>12 MR. ANDERSON: I have no questions.</p> <p>13 THE VIDEOGRAPHER: One moment.</p> <p>14 MS. MURPHY: Do we want to do sign and</p> <p>15 review -- or read and review? Sorry.</p> <p>16 MR. ANDERSON: You have the opportunity to</p> <p>17 read this, make sure everything is accurate, make</p> <p>18 sure she doesn't make any mistakes, which she will</p> <p>19 not. Because it's on video, I don't think you need</p> <p>20 to. But if you want the opportunity to read it and</p> <p>21 make sure everything is okay before it's finalized,</p> <p>22 you can do that. Do you have a preference?</p> <p>23 We'll waive.</p> <p>24 MS. MURPHY: Off the record.</p> <p>25 THE VIDEOGRAPHER: This concludes the</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

150

1 video-recorded deposition of James Rothenburg taken  
 2 on July 17th, 2024. We're going off the video  
 3 record, and the time is 1:35 p.m.  
 4 MR. ANDERSON: I will order a copy.  
 5 (Proceedings concluded at 1:35 p.m.)  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

152

REPORTER'S CERTIFICATE

1  
 2 STATE OF NEVADA )  
 3 ) ss  
 4 COUNTY OF CLARK )  
 5  
 6 I, Tracy A. Manning, a duly certified court  
 7 reporter licensed in and for the State of Nevada, do  
 8 hereby certify:  
 9 That I reported the taking of the deposition of  
 10 the witness, James Rothenburg, at the time and place  
 11 aforesaid;  
 12 That prior to being examined, the witness was  
 13 by me duly sworn to testify to the truth, the whole  
 14 truth, and nothing but the truth;  
 15 That I thereafter transcribed my shorthand  
 16 notes into typewriting and that the typewritten  
 17 transcript of said deposition is a complete, true  
 18 and accurate record of testimony provided by the  
 19 witness at said time to the best of my ability.  
 20 I further certify (1) that I am not a relative,  
 21 employee or independent contractor of counsel of any  
 22 of the parties; nor a relative, employee or  
 23 independent contractor of the parties involved in  
 24 said action; nor a person financially interested in  
 25 the action; nor do I have any other relationship  
 with any of the parties or with counsel of any of  
 the parties involved in the action that may  
 reasonably cause my impartiality to be questioned;  
 and (2) that transcript review pursuant to  
 FRCP 30(e) was waived.  
 IN WITNESS WHEREOF, I have hereunto set my hand  
 in the County of Clark, State of Nevada, this 28th  
 day of July 2024.

*Tracy A. Manning*  
 Tracy A. Manning, CCR #85

151

CERTIFICATE OF DEPONENT

1  
 2 PAGE LINE CHANGE  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

\* \* \* \* \*

I, James Rothenburg, deponent herein, do hereby  
 certify and declare under penalty of perjury the  
 within and foregoing transcription to be my  
 deposition in said action; that I have read,  
 corrected and do hereby affix my signature to said  
 deposition.

James Rothenburg  
 Witness